ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

MINUTES OF EVIDENCE

RELATING TO ENGLAND AND WALES UNDER THE EXTENDED REFERENCE DATED 2nd NOVEMBER, 1906,

TAKEN BEFORE THE

ROYAL COMMISSION

ON THE

CARE and CONTROL of the FEEBLE-MINDED

WITH APPENDICES AND INDEXES.

VOLUME IV.

QUESTIONS 25073 TO 35004.

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Royal Warrant.

EDWARD R. and I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Heley Chadwyck-Healey, Esquire, Companion of Our Most Honourable Order of the Bath, one of Our Counsel learned in the Law;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prison Act, 1877;

James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar-General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

Whereas We did by Warrants under Our Royal Sign Manual, bearing date the ninth day of September and the seventh day of October, one thousand nine hundred and four, and the twenty-seventh day of February and the sixth day of March, one thousand nine hundred and five, authorise and appoint certain persons therein respectively named, or any three or more of them, to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for

their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

And Whereas We have deemed it expedient that the scope of the said Commission should be enlarged, and that the Commissioners appointed for the purposes aforesaid should also be authorised to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted:

Now know ye, that We, being advised that a new Commission should issue for this purpose, have revoked and determined, and do by these presents revoke and determine, the said several Warrants, and every matter and thing therein contained.

And We do by these presents nominate, constitute and appoint you the said Jacob, Earl of Radnor (Chairman); William Patrick Byrne; Charles Edward Heley Chadwyck-Healey; Charles Edward Henry Hobhouse; Frederick Needham; Horatio Bryan Donkin; James Craufurd Dunlop; Henry David Greene; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein; and also to enquire into the constitution, jurisdiction, and working of the Commission in Lunacy and of other Lunacy Authorities in England and Wales, and into the expediency of amending the same or adopting some other system of supervising the care of lunatics and mental defectives; and to report as to any amendments in the law which should, in their opinion, be adopted.*

And for the better effecting of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

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* The portion underlined shows the extended terms of the Reference to which the Evidence in this Volume relates.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

And for the purpose of aiding you in your enquiries We hereby appoint Our trusty and well-beloved Hartley Brinkley Newton Mothersole, Esquire, Barrister-at-Law, to be Secretary to this our Commission.

Given at Our Court at *St. James's*, the second day of *November*, one thousand nine hundred and six, in the sixth year of Our Reign.

By His Majesty's Command,

H. J. Gladstone.

THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

LIST OF WITNESSES ARRANGED ALPHABETICALLY.

NAME.	DESCRIPTION.	DATE.	QUESTION.	PAGE.
AMBROSE, William, K.C. - -	Master in Lunacy - - -	FIFTY-EIGHTH DAY: 6th December, 1906.	29370	153
BAKER, William Frederick -	Taxing Master of the Supreme Court Taxing Office.	SIXTY-FOURTH DAY: 20th December, 1906.	33164	313
BROOKS, Samuel, J.P. - -	Chairman of the Surrey County Asylums Committees of "Brookwood" and "Netherne."	SIXTIETH DAY: 10th December, 1906.	31091	225
BUIST, R. C., M.A., M.D. -	Late Chairman of Medico-Political Committee of the British Association, and of the Special Lunacy Committee.	SIXTY-FIRST DAY: 13th December, 1906.	31420	241
BURNEY, Charles, M.A. - -	Master of the Supreme Court -	SIXTY-FOURTH DAY: 20th December, 1906.	32993	300
CLARE, Harcourt E. - -	Clerk to the Lancashire Asylums Board.	SIXTY-FIFTH DAY: 21st December, 1906.	33640	340
CLEAVER, Richard Stewart -	Solicitor, Liverpool, on behalf of the Incorporated Law Society, Liverpool.	SIXTY-SIXTH DAY: 14th January, 1907.	34256	368
CLOUSTON, T. S., M.D. - -	Superintendent of the Royal Asylum, Edinburgh.	SIXTIETH DAY: 10th December, 1906.	30930	219
COOKE, E. Marriott, M.B. -	Commissioner in Lunacy - -	FIFTY-THIRD DAY: 16th November, 1906.	25744	31
COOPER, GEORGE, M.P. - -	Member of Parliament for the Division of Bermondsey, of the Parliamentary Borough of Southwark. Member of the St. Olave's Board of Guardians, 1886 to 1890, and a Member of the London County Council from its constitution in 1889 to February 27th, 1906. Chairman of the Public Health Committee of the County Council for several years.	SIXTY-SEVETH DAY: 1st March, 1907.	34329	375
COUPLAND, Sidney, M.D. -	Commissioner in Lunacy - -	FIFTY-FOURTH DAY: 19th November, 1906.	26780	66
COZENS-HARDY, The Right Hon. Lord Justice.	Judge in Lunacy - - -	FIFTY-SIXTH DAY: 26th November, 1906.	28373	116
CRICHTON-BROWNE, Sir James, M.D., LL.D., F.R.S.	Lord Chancellor's Visitor in Lunacy.	FIFTY-EIGHTH DAY: 6th December, 1906.	29580	161
CROWTHER, Alderman Benjamin	Chairman of the Asylums Committee for the West Riding of Yorkshire.	SIXTIETH DAY: 10th December, 1906.	30520	204

Name.	Description.	Date.	Question.	Page.
Cunynghame, H. S., C.B. -	Assistant Under-Secretary of State in the Home Department.	Sixty-Fifth Day: 21st December, 1906.	33307	319
Davis, David - - - -	Chairman of the City of Birmingham Lunatic Asylums Committee of Visitors.	Sixty-Third Day: 17th December, 1906.	32322	276
Davy, J. S., C.B. - - -	Chief General Inspector and Assistant Secretary of the Local Government Board.	Sixty-Sixth Day: 14th January, 1907.	33764	348
Dorington, The Right Hon. Sir John.	Commissioner in Lunacy - -	Fifty-Second Day: 15th November, 1906.	25388	18
Fischer, Thomas H., K.C. -	Master in Lunacy - - -	Fifty-Ninth Day: 7th December, 1906.	29985	180
Giffard, H. F. - - -	Commissioner in Lunacy - -	Fifty-Fifth Day: 22nd November, 1906.	27080	77
Hine, George Thomas - -	Consulting Architect of His Majesty's Commissioners in Lunacy.	Sixty-Fourth Day: 20th December, 1906.	32606	285
Hodgson, William, J.P., L.R.C.P.I., L.M.	Chairman of the County Asylum, Chester.	Sixty-Second Day: 14th December, 1906.	31938	260
James, Christopher - - -	Barrister-at-Law, Secretary in Lunacy to the Lords Justices.	Fifty-Ninth Day: 7th December, 1906.	30296	193
Keely, T. Southwell - -	Chief Clerk to the Masters in Lunacy.	Fifty-Sixth Day: 26th November, 1906.	27823	103
Kekewich, The Right Hon. Sir Arthur.	Judge in Lunacy - - -	Sixty-Fifth Day: 21st December, 1906.	33527	334
Kershaw, Noel T., C.B. -	An Assistant Secretary of the Local Government Board.	Sixty-Third Day: 17th December, 1906.	32013	265
Mercier, Charles, M.D., F.R.C.P., F.R.C.S.	Representative of the Royal College of Physicians.	Fifty-Eighth Day: 6th December, 1906.	29888	175
Muir-Mackenzie, Sir Kenneth, K.C.B., K.C.	Permanent Secretary to the Lord Chancellor and Clerk of the Crown.	Sixty-Eighth Day: 27th March, 1907.	34600	391
Needham, F., M.D. - - -	A Member of the Commission and a Commissioner in Lunacy.	Fifty-Fourth Day: 19th November, 1906.	26892	69
Nicolson, David, C.B., M.D. -	Lord Chancellor's Visitor in Lunacy.	Fifty-Fifth Day: 22nd November, 1906.	27376	87
Palmer, R. C. - - -	Lord Chancellor's Visitor in Lunacy.	Fifty-Fifth Day: 22nd November, 1906.	27703	98
Pasmore, Edwin Stephen, M.D., M.R.C.P.	Physician and Superintendent, Croydon Mental Hospital, Warlingham, Surrey.	Sixty-Third Day: 17th December, 1906.	32463	280
Pennant, P. P. - - -	Chairman of the Visiting Committee of the North Wales Counties Lunatic Asylum, Denbigh.	Sixty-Second Day: 14th December, 1906.	31858	257

NAME.	DESCRIPTION.	DATE.	QUESTION.	PAGE.
SAVAGE, G. H., M.D. - -	On behalf of the Parliamentary Committee of the Medico-Psychological Association of Great Britain and Ireland.	FIFTY-SEVENTH DAY: 3rd December, 1906.	28875	134
SHADWELL, Lionel Lancelot -	Commissioner in Lunacy - -	FIFTY-FOURTH DAY: 19th November, 1906.	27001	74
SHAW, T. Claye, M.D., F.R.C.P.	Medical Superintendent of the Leavesden Asylum at Watford for seven years; about twenty-five years after that Medical Superintendent of the Banstead Asylum.	FIFTY-NINTH DAY: 7th December, 1906.	30375	197
SPENCE, J. B., M.D. - -	Medical Superintendent of the Staffordshire County Asylum, Burntwood, near Litchfield -	SIXTY-SECOND DAY: 14th December, 1906.	31727	252
STRATON, C. R., L.R.C.P., F.R.C.S.	Chairman of the Lunacy Committee of the British Association.	SIXTY-FIRST DAY: 13th December, 1906.	31619	248
TREVOR, A. H. - - -	Barrister-at-law, Secretary to the Lunacy Commission.	FIFTY-SECOND DAY: 15th November, 1906.	25073	1
TUKE, Sir John Batty, M.P., M.D., F.R.C.P., F.R.S., etc.	Visiting Physician to Saughton Hall Private Asylum. Morison Lecturer on Insanity, R.C.P. (Ed.) and on Mental Disease, R.C.S. (Ed.), etc., etc.	FIFTY-SEVENTH DAY: 3rd December, 1906.	28564	124
URMSON, G. H. - - -	Commissioner in Lunacy - -	FIFTY-FOURTH DAY: 19th November, 1906.	26320	52
VICKERS-EDWARDS, Joseph -	County Architect to the West Riding of Yorkshire.	SIXTIETH DAY: 10th December, 1906.	30863	216
WALKER, Edmund William -	Senior Master in the Chancery Division.	SIXTY-FOURTH DAY: 20th December, 1906.	33143	313
WHITAKER, J. Smith, M.R.C.S., L.R.C.P.	Medical Secretary of the British Medical Association.	SIXTY-FIRST DAY: 13th December, 1906.	31347 and 31600	236 and 246
WHITE, Ernest William, M.B., M.R.C.P., M.R.C.S.	A Graduate in Medicine of the University of London and a Member of the Royal College of Physicians of London; Professor of Psychological Medicine at King's College, London, since 1890, and seventeen and a half years Medical Superintendent of the City of London Asylum, and prior to that for nine and a half years Senior Assistant Medical Officer of the Kent County Asylum at Chartham.	SIXTY-FIRST DAY: 13th December, 1906.	31186	231
WHITWELL, James R., M.D. -	Medical Superintendent, County Asylum, Melton, Suffolk.	FIFTY-NINTH DAY: 7th December, 1906.	30480	202
WINTERBOTHAM, W. H., M.A.	Official Solicitor - - -	FIFTY-SEVENTH DAY: 3rd December, 1906.	29107	142

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	The Right Hon. Sir John Dorington - -	Commissioner in Lunacy	25388	18
Fifty-Third Day: 16th November, 1906.	E. Marriott Cooke, M.B.	Commissioner in Lunacy	25744	31
Fifty-Fourth Day: 19th November, 1906.	G. H. Urmson - -	Commissioner in Lunacy	26320	52
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	F. Needham, M.D. - -	A member of the Commission and a Commissioner in Lunacy	26892	69
	Lionel Lancelot Shadwell - - - - -	Commissioner in Lunacy	27001	74
Fifty-Fifth Day: 22nd November, 1906.	H. F. Giffard - -	Commissioner in Lunacy	27080	77
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	R. C. Palmer - - -	Lord Chancellor's Visitor in Lunacy	27703	98
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	The Right Hon. Lord Justice Cozens-Hardy	Judge in Lunacy	28373	116
Fifty-Seventh Day 3rd December, 1906.	Sir John Batty Tuke, M.P., M.D., F.R.C.P., F.R.S., etc. - - -	Visiting Physician to Saughton Hall Private Asylum, Morison Lecturer on Insanity, R.C.P. (Ed.), and on Mental Disease, R.C.S. (Ed.), etc., etc.	28564	124
	G. H. Savage, M.D. -	On behalf of the Parliamentary Committee of the Medico-Psychological Association of Great Britain and Ireland	28875	134
	W. H. Winterbotham, M.A. - - - - -	Official Solicitor	29107	142
Fifty-Eighth Day: 6th December, 1906.	William Ambrose, K.C.	Master in Lunacy	29370	153
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	C. R. STRATON, L.R.C.P., F.R.C.S. - - -	Chairman of the Lunacy Committee of the British Association	31619	248
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	DAVID DAVIS - - -	Chairman of the City of Birmingham Lunatic Asylums Committee of Visitors	32322	276

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Sixty-Third Day —*cont.*	Edwin Stephen Pasmore, M.D., M.R.C.P. - -	Physician and Superintendent, Croydon Mental Hospital, Warlingham, Surrey	32463	280
Sixty-Fourth Day: 20th December, 1906.	George Thomas Hine -	Consulting Architect of His Majesty's Commissioners in Lunacy	32606	285
	Charles Burney, M.A. -	Master of the Supreme Court	32993	300
	Edmund William Walker	Senior Master in the Chancery Division	33143	313
	William Frederick Baker	Taxing Master of the Supreme Court	33164	313
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	The Right Hon. Sir Arthur Kekewich -	Judge in Lunacy	33527	334
	Harcourt E. Clare -	Clerk to the Lancashire Asylums Board	33640	340
Sixty-Sixth Day: 14th January, 1907.	J. S. Davy, C.B. - -	Chief General Inspector and Assistant Secretary of the Local Government Board	33764	348
	Richard Stewart Cleaver - - -	Solicitor, Liverpool, on behalf of the Incorporated Law Society, Liverpool	34256	368
Sixty-Seventh Day: 1st March, 1907.	Cooper, George, M.P. -	Member of Parliament for the Division of Bermondsey of the Parliamentary Borough of Southwark. Member of the St. Olave's Board of Guardians 1886 to 1890, and a Member of the London County Council from its constitution in 1889 to February 27th, 1906. Chairman of the Public Health Committee of the County Council for several years.	34329	375
Sixty-Eighth Day: 27th March, 1907.	Sir Kenneth Muir-Mackenzie, K.C.B., K.C.	Permanent Secretary to the Lord Chancellor, and Clerk of the Crown.	34600	391

[1]

MINUTES OF EVIDENCE

TAKEN BEFORE

THE ROYAL COMMISSION

ON THE

Care and Control of the Feeble-Minded.

AT ROYAL COMMISSIONS HOUSE, OLD PALACE YARD, WESTMINSTER S.W.

FIFTY-SECOND DAY.

Thursday, November 15*th,* 1906.

PRESENT.

The Right Hon. The Earl of RADNOR (Chairman).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
C. S. LOCH, Esq., D.C.L.
Mrs. PINSENT
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

A. H. TREVOR, Esq., called; and Examined.

25073. (*Chairman.*) Will you kindly tell us how long you have been Secretary to the Lunacy Commission?—Since November, 1904; two years.

A. H. Trevor, Esq.
15 Nov. 1906.

25074. You have been so kind as to prepare a very interesting statement for us about the Lunacy Commission, may we put it on the notes?—I should be very pleased.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY A. H. TREVOR, ESQ., BARRISTER-AT-LAW, SECRETARY OF THE LUNACY COMMISSION.

ACCOMMODATION FOR PAUPER LUNATICS.

1324 A.D. The earliest statutes upon the subject of pauper lunatics, viz., 17 Edward II., c. 9 & 10, relate to idiots and lunatics in general, and are said by Lord Coke to have been declaratory of the common law.

They vest the custody of their lands and tenements expressly, and of their persons impliedly, in the King; but the Royal authority under these Acts having been exercised by the Lord Chancellor, and not without a previous inquisition before a jury to find the idiocy or lunacy of the party, it is evident that the forms and expenses requisite were not calculated for the case of paupers; so that they were generally left to the protection of their friends and relations or to the overseers of the poor.

1743 A.D. The first Act dealing expressly with pauper lunatics is 17 Geo. II., c. 5, which was really a Vagrants Act. Section 20 ("Lunatics—how to be disposed of"), after reciting that "there are sometimes persons who by lunacy or otherwise are furiously mad, or are so far disordered in their senses that they may be dangerous to be permitted to go abroad . . ." provides that "it shall be lawful for any two or more justices of the peace where such lunatick or mad person shall be found by warrant under their hands and seals directed to the constables, churchwardens, overseers of the poor of the parish, town or place, or some of them, to cause such person to be apprehended and kept safely locked up in some secure place . . . and, if such justices find it necessary, to be there chained." The section further provided that the goods and estates of lunatics should be seized to pay the charge of their maintenance.

1808 A.D. The statute 48 Geo. III., c. 96—Mr. Wynne's Act—which resulted from the Report of a Select Committee appointed in 1807 to enquire into the state of lunatics, and was entitled an "Act for the better care and maintenance of lunatics, being paupers or criminals in England," repealed 17 Geo. II., c. 5, s. 20, and, after reciting that the practice of confining such lunatics and other insane persons as are chargeable to their respective parishes in gaols, houses of correction, poor houses and houses of industry, was highly dangerous and inconvenient, enabled justices in quarter sessions to provide for the erection of lunatic asylums, and to unite with other counties for the purpose, and conferred on them powers to contract, to appoint visiting committees, and to mortgage the rates for the expenses incurred. This statute, it will be noticed, was merely permissive and not compulsory.

Amending Acts were passed in 1811 (51 Geo. III., c. 79), 1815 (55 Geo. III., c. 46), 1819 (59 Geo. III., c. 127), 1825 (5 Geo. IV., c. 71).

The above statutes were amended and consolidated in 1829 by the statute 9 Geo. IV., c. 40 which remained law till 1845, when it was repealed, and to a large extent re-enacted by the statute 8 & 9 Vict., c. 126.

MINUTES OF EVIDENCE:

A. H. Trevor, Esq.

15 Nov. 1906.

With Regard to the Care and Treatment of Lunatics.—

1774. In 1774 a statute, 14 Geo. III., c. 49, entitled "An Act for regulating madhouses," was passed. The preamble states, "that many great and dangerous abuses frequently arise from the present state of houses kept for the custody of lunatics for want of regulations with respect to the persons keeping such houses, the admission of patients into them, and the visitation . . . by proper persons of the said houses and patients, and that the law as it now stands is insufficient for preventing or discovering such abuses." The statute then provided that from and after November 20th, 1774, if any person concealed more than one lunatic without a licence he should forfeit a sum of £500 (Section 1).

Section 2 provided that in order that proper persons should be appointed for visiting such houses as should be licensed and kept for the reception of lunatics within the cities of London and Westminster, and within seven miles of the same, and within the county of Middlesex, the Royal College of Physicians in London may elect five Fellows to act as Commissioners for granting licences, to visit and inspect licensed houses and to examine the persons confined as lunatics therein (Section 14), such visits to be without notice to the keeper of the house (Section 5). Outside the Metropolitan area similar powers were conferred on the justices of the peace at quarter sessions.

This Act, which was to continue in force for five years, was continued for seven years by 19 Geo. III., c. 15, and made perpetual by 26 Geo. III., c. 91.

1828. In 1828 was passed a statute, 9 Geo. IV., c. 41, which was entitled "An Act to regulate the care and treatment of insane persons in England," and after reciting that the laws then existing for regulating houses for the reception of insane persons were ineffectual, and that it was expedient that some other provision should be made for licensing and regulating such houses, and for improving the treatment of insane persons, proceeded to repeal the previous Acts, and substituted further and better provisions in their place. Section 2 provided for the appointment by the Secretary of State for the Home Department of fifteen Commissioners within the cities of London and Westminster, and seven miles thereof, and the county of Middlesex, for licensing and visiting all houses within that district for the reception of two or more insane persons. Of these Commissioners, who were appointed for a year, five at least were to be physicians and were entitled to charge for their services at the rate of £1 an hour; the rest were unpaid. In all other parts of England similar powers were conferred on the justices of the peace assembled in quarter sessions within their own jurisdiction. Of the visitors appointed by the justices three or more were to be justices themselves, and one or more a physician, a surgeon, or an apothecary. The Commissioners appointed under this Act styled themselves "Metropolitan Commissioners in Lunacy." This Act was amended in certain particulars by 10 Geo. IV., c. 18.

1832. In 1832 was passed the statute 2 and 3 William IV., c. 107, to regulate for the period of three years the care and treatment of the insane.

Metropolitan Commissioners in Lunacy. Under this Act the Commissioners were called "The Metropolitan Commissioners in Lunacy." Their appointment was placed in the hands of the Lord Chancellor; not less than four nor more than five were to be physicians and two were to be barristers. All the Commissioners were allowed their travelling expenses, but only the physicians were to be paid for their services.

1842. This statute was from time to time amended and continued up to 1842, when by the statute 5 and 6 Vict., c. 87, the powers of visitation possessed by the Metropolitan Commissioners in Lunacy were extended to asylums and licensed houses all over England and Wales.

By Section 2 provision was made for the addition as Commissioners of two more physicians or surgeons and two more barristers, and by Sections 40–41, in addition to their travelling expenses, medical and legal Commissioners alike were to be allowed and paid £1 an hour while visiting in the Metropolitan district and five guineas a day while engaged in visiting in the country. By Section 30 the duty was imposed on the Commissioners of visiting county asylums, and, by Section 31, of reporting in writing whether the provisions of the law had been carried out as to the construction of every such asylum and as to its visitation and management, the regularity of the admissions and liberations of patients therein and therefrom. They were also to report on such other matters as (*a*) any system of non-coercion practised; (*b*) classification of patients; (*c*) indoor and outdoor amusements and occupations and their effect; (*d*) the condition of pauper patients when received into the asylum, and dietary; and (*e*) generally. They were also required to visit and report on the military and naval hospitals.

Report of Metropolitan Commissioners in Lunacy, 1844. In the year 1844 the Metropolitan Commissioners presented a Report to the Lord Chancellor on the various matters entrusted to their care.

At the commencement of the report the Commissioners stated that as their duties had been materially increased by the provisions of 5 and 6 Vict. c. 87 (already referred to), which had enabled them to inspect the condition of the various public and private asylums throughout England and Wales beyond, as well as within, the Metropolitan area, they thought it right to report to the Lord Chancellor the result of their experience in a more minute and specific way than they had heretofore been accustomed to do. After dealing with the various statutes then in force relating to lunatic asylums, the Report proceeded to state the number of lunatic asylums of all classes which they had been authorised to visit, which amounted to 166.

After enumerating the nature of the enquiries made by the Commissioners, the Report proceeds to deal with the following heads:—

I. The different classes of lunatic asylums, their construction, condition, management, and visitation.
II. Condition of paupers, on admission.
III. Forms of disease, medical treatment, diet, and classification.
IV. Occupations and amusements.
V. Restraint.
VI. Religious services.
VII. The admission and liberation of patients.
VIII. Statistics of insanity.
IX. Criminal lunatics.
X. Wales.

The Report concludes with various suggestions for the amendment of the law:—

1. "That there be provided for the insane poor of every county some proper and convenient hospital or hospitals for the reception of all the recent cases."

2. "That the provisions of the law, enabling counties to unite for the formation of asylums, be extended to parts of counties, towns, and places with separate jurisdictions; and also to the unions of counties and districts having no asylums with others possessing such institutions."

3. "That the 15th section of the Act 9 Geo. IV. c. 40, be amended by enabling a majority, being not less than two-thirds, of the justices of the peace present at any general or quarter sessions, to direct or authorise tenants at rack-rent to detain out of their rent one-half of the full amount of all or any rates hereafter to be levied for building, enlarging, and repairing county asylums or in reference thereto."

4. "That in any county asylum or hospital hereafter to be erected, into which curable lunatics (either alone, or together with incurable patients, shall be received, the number of patients shall not exceed 250 in the whole." (*See* pp. 23, 24 of the Report).

5. "That some provision be made for the removal from time to time of incurable paupers from county asylums, in order to make room for such as are curable."

6. "That in the more populous counties, such as Middlesex and Lancashire, separate receptacles be established for chronic cases; to be conducted in a manner adapted for the wants of the patients, but upon a less expensive scale than the present county asylums."

7. "That if it be deemed a matter of necessity, under present circumstances, to confine some incurable pauper lunatics elsewhere than in the receptacles expressly established for the purpose, they shall be kept, not in all workhouses indiscriminately, but in some one specified workhouse, or part of a workhouse, within each district; and that every such workhouse, or part of a workhouse, be properly adapted and exclusively appropriated to the reception of lunatics, and be regularly inspected by competent visitors, and have regular medical officers."

8. "That all pauper lunatics, confined elsewhere than in asylums, be periodically visited, and that periodical reports be made upon their condition."

9. "That the sites, plans, and estimates for every county asylum hereafter to be erected, be referred to some board or authority, constituted for the visitation and supervision of lunatics, for the purpose of receiving suggestions, previously to the final adoption thereof by the magistrates."

10. "That the orders and medical certificates for the admission of pauper patients into any asylum, or other place of confinement, be the same as are now required for their admission into licensed houses, and that no order be given unless the party signing has previously seen the patient."

(*Note.*—"At present, a pauper is sent to an asylum on one certificate, and it does not appear necessary that the magistrate or other person signing the order for his confinement should previously see the patient.")

11. "That the orders and medical certificates for the admission of private patients into any asylum, or other place of confinement, be the same as are now required for their admission into licensed houses." (*See* p. 163 of the Report.)

12. "That no person certifying as to a patient's insanity sign an order for his confinement."

(*Note.*—"In one or two cases we have found that the brother or father of the patient, being a medical man, has signed the order for confinement, and also certified as to the lunacy.")

13. "That with a view, amongst other things, to the formation of a complete register of the insane, notice of the admission, discharge, and death of every certified patient, private as well as pauper (excepting only those patients of whom 'private returns' ought to be made), be sent to the Metropolitan Board within two days after every such admission, discharge, and death; and that in every notice of admission, the day on which the patient was received shall be stated, such day also to be endorsed upon the original order and certificate."

(*Note.*—"This will also facilitate the examination of the orders and certificates upon the admission of private patients into asylums, and dispense with the necessity of referring to the register of admissions in order to ascertain that the patient was received within the period limited by law.")

14. "That every county and public asylum or hospital shall have a resident medical officer."

15. "That the orders and medical certificates for the admission of patients be a sufficient authority for the retaking them, in case of escape, at any time within eight days after such escape."

16. "That all asylums and hospitals for the insane be subject to official visitation." (*See page* 33 *of the Report.*)

17. "That the official visitors have power, at their discretion, to give an order for the admission of any relation, trustee, or friend, to visit a certified patient, wherever confined." (*See page* 75 *of the Report.*)

18. "That the official visitors have power to fix and alter the dietary of pauper patients in all lunatic asylums." (*See page* 49 *of the Report.*)

19. "That the Lord Chancellor be empowered, upon the representation of the Board of Metropolitan Commissioners, to suspend the license of any house licensed for the reception of the insane."

20. "That it be lawful for the proprietor or superintendent of an asylum, with the permission in writing of the official visitors, to take or send a patient to any specified place, for a limited time, for the benefit of his health."

21. "That, in the event of any proprietor quitting a licensed house for another licensed to him, it shall be lawful for him, with the previous permission, in writing, of the official visitors, to transfer his patients from the one to the other, without fresh orders and medical certificates."

22. "That licenses be granted, in all cases, to the *proprietors* of licensed houses, and not, as now, in some instances, to the resident superintendents."

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23. "That no dangerous lunatic be removed from any licensed house against the advice of the medical attendant of the house, without the previous sanction of the official visitors." (*See page* 171 *of the Report.*)

24. "That a full statement be published annually, by every county asylum, of all receipts and disbursements; also of the property of the asylum, the sources and amount of income, and the application of the same." (*See page* 26 *of the Report.*)

25. "That in all asylums, public and private, registers and medical records be required to be kept, in a specified and uniform shape; and that annual statements of admissions and discharges, in a form to be prescribed, be made up to the 31st of December in each year, and transmitted to the Metropolitan Board." (*See page* 179 *of the Report.*)

That the order of commitment to the county asylum should be made without requiring any adjudication of settlement, so far as the asylum is concerned.

That the Union to which the pauper is chargeable should be liable to the weekly payments for pauper lunatics, until an order of payment shall have been made by justices upon another district or parish, upon application of the Board of Guardians.

This Report led up to the legislation of the year 1845, which resulted from the initiation and exertions of the Earl of Shaftesbury, then Lord Ashley. 1845.

In the year 1845, two Acts of Parliament were passed, the one, 8 & 9 Vict. c. 100, to regulate the care and treatment of lunatics generally, and the other, 8 & 9 Vict. c. 126, for the provision and regulation of lunatic asylums for counties and boroughs, and the maintenance and care of pauper lunatics therein.

The first of these statutes established a permanent Lunacy Commission consisting of eleven members, five of whom were unpaid, and six, three being medical men and three barristers, at salaries of £1,500 a year each; the second made compulsory, instead of, as under the Act of 1808, permissive, provision for the establishment of county and borough asylums.

Special reference should be made to the Report to the Lord Chancellor, made in the year 1847 by the Commissioners in Lunacy appointed under the Act. The Report deals very fully with the working of the new Acts, and sets out *in extenso* the duties imposed on the Commissioners and how they had endeavoured to fulfil them. Report of Commissioners in Lunacy 1847.

Further legislation in the matter was passed in 1853 by 16 & 17 Vict. c. 96, and 16 & 17 Vict. c. 97. 1853.

A Select Committee was appointed in 1859 to enquire into the operation of the Acts of Parliament and regulations for the care and treatment of lunatics and their property, to whom three Bills then before Parliament—The Lunatics Care and Treatment Bill, The Lunatic Asylums Bill, and The Lunacy Regulation Act, 1853 (Amendment) Bill were committed.

This Committee reported the evidence received by them, with their observations thereon, to the House. As a result the Lunacy Law Amendment Act, 1862 (25 & 26 Vict. c. 111) was passed, which contained numerous additional safeguards against the improper admission of patients into institutions for the insane. Report of Select Committee, 27 July, 1860.

In 1877, another Select Committee of the House of Commons, known as the Dillwyn Committee, was appointed to enquire into the operation of the Lunacy Law so far as regards the security offered by it against violations of personal liberty, and presented a full Report on the subject to the House on March 28th, 1878. 1877.

This Report formed the basis of the Lunacy Acts Amendment Act, 1889, which never came into operation, as it was repealed and re-enacted by the Lunacy Act, 1890, which was passed to consolidate the enactments relating to lunatics, and came into operation on the 1st of May, 1890. Certain minor amendments were contained in the Lunacy Act, 1891. 1890.

The Lunacy Act, 1890, and the Lunacy Act, 1891, and the Rules of the Commissioners made thereunder with the consent of the Lord Chancellor, contain the general law at present in force relating to lunatics in England and Wales.

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1891–1905.

From 1891 to 1905 various Bills have been introduced into one or other House of Parliament, having as their object:—

(1.) The amendment of the principal Acts on various points which experience of their working has shown to be desirable.

(2.) To introduce a system of dealing for a limited period with cases of incipient insanity, without requiring a full reception order under the Lunacy Acts.

(3.) An extension of the boarding-out system without the limitations and restrictions imposed by s.57, of the Lunacy Act, 1890.

(4) An increase in the number of the Commissioners in lunacy to enable them to cope with their ever-increasing duties.

None of these Bills, however, have been passed into law.

Sir G. Jessel M.R. Committee, 1882

In 1882 a Committee was appointed by Lord Chancellor Selborne, under the Chairmanship of Sir George Jessel, M.R., to enquire into the desirability of maintaining the present system of visiting Chancery lunatics or of transferring the duties now performed by the Lord Chancellor's Visitors to the Lunacy Commission.

Report, para. 3.

This Committee reported by a majority that it would not be desirable in the interests of the Chancery lunatics to transfer the Lord Chancellor's Visitors to the Lunacy Commissioners.

Power to amalgamate the Lunacy Departments was, however, conferred on the Lord Chancellor, if it should seem expedient to him so to do, by s. 337 of the Lunacy Act, 1890.

Effect of legislation from 1845–1890.

The legislation from 1845 to 1890 may be summarised as follows:—

Its main objects were to put an end to the cruelties to which patients had been subjected in institutions for the insane, to ensure that no patients should be improperly detained, and to provide throughout the country asylums for the accommodation of pauper patients. The Commissioners in Lunacy were appointed to visit all patients detained under the Lunacy Laws with the object of seeing for themselves that those in charge of the insane complied with the provisions of the law in relation to their detention, care, and treatment. From the reports of the Select Committees since 1845, it is clear that frequent visitation by the Commissioners had resulted in a very considerable amelioration of the treatment of the insane. The Committee of 1877, it will be noted, was only appointed to enquire into the operation of the Lunacy Law so far as regards the security afforded by it against violation of personal liberty, and in one of the early paragraphs of the Report the Committee state that the copious evidence which had been received led them to the conclusion that, though the system then in force was not free from risks, which might be lessened, though not wholly removed by amendments in the existing law and practice, yet assuming that the strongest cases against the present system had been brought before them, allegations of *mala fides* or of serious abuses were not substantiated. Much of the evidence, which was extended to a great length, amounted to little more than differences of opinion among medical men, questions of liberality or parsimony in the arrangement of asylums, suggestions with reference to the letters of patients and visits of friends, or complaints of hesitation amongst superintendents and relatives to believe in the perfect recovery of patients. The Report continues: "The Committee observe that the jealousy with which the treatment of lunatics is watched, and the comparatively trifling nature of the abuses alleged, present a remarkable contrast to the horrible cruelty with which asylums were too frequently conducted less than a half century ago, to the apathy with which the exposure of such atrocities by successive Committees of the House of Commons were received, both by Parliament and the country, and to the difficulty with which remedial enactments were carried through the legislature, while society viewed with indifference the probability of sane people being in many cases confined as lunatics, acquiesced in the treatment of lunatics as if they were outside the pale of humanity, and would scarcely have considered a proposal to substitute for chains and ill-usage the absence of restraint and the occupations and amusements which may be said to be the universal characteristics of the system in this country at the present day."

The constitution of the Commission of eleven members, of whom only three were practising medical men, clearly shows that the object of the legislature was not to create a board of medical experts, but to provide a sort of quasi-judicial tribunal whose duty it should be to see that those engaged in the care and treatment of the insane complied in all respects with the provisions of the law on the subject.

The Commissioners in Lunacy are dealt with in Part V of the Lunacy Act, 1890, ss. 150 to 162.

PART V.

The Commissioners in Lunacy.

Constitution of the Commission.

The Commissioners in Lunacy.

150. (1) There shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical practitioners or barristers, shall be entitled to receive salaries.

(2) The salaries of the paid Commissioners and the expenses of the Commissioners to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(3) A Commissioner shall not, so long as he remains Commissioner and receives any salary in respect of his office, accept, hold, or carry on any other office or situation, or any profession or employment from which any profit is derived.

Vacancies among the Commissioners may be filled.

151. (1) As often as a Commissioner dies, or is removed from his office, or is disqualified, or resigns, or refuses or becomes unable through illness or otherwise to act, the Lord Chancellor may appoint a person to be Commissioner in his place.

(2) Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years' standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor a practising barrister. Provided that a medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the unpaid Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation. Provided also that the secretary for the time being of the Commissioners shall be eligible to be a Commissioner in the place of a barrister.

(3) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

(4) The Commissioners for the time being may act notwithstanding any vacancy in their body.

(5) Every Commissioner hereafter appointed shall, before he acts as Commissioner, make before the Lord Chancellor, or before any three Commissioners qualified to act, the declaration to be made by a Commissioner set forth in the first schedule.

Licenses and instruments to be sealed.

152. (1) All licenses, orders, and instruments, granted, or made, or issued, or authorised by the Commissioners in pursuance of this Act, except such orders or instruments as are to be made or signed and sealed by one Commissioner or two or more Commissioners, shall be sealed with the seal of the Commission.

(2) All such licences, orders, and instruments, or copies thereof, purporting to be sealed with the seal of the Commission, shall be received as evidence of the same respectively, and of the same respectively having been granted, made, issued, or authorised by the Commissioners, without any further proof thereof.

(3) A license, order, or instrument, or copy thereof, shall not be valid, or have any effect, unless it is so sealed.

Appointment of permanent chairman and mode of voting.

153. (1) There shall be a permanent chairman of the Commissioners.

(2) If a permanent chairman dies, or declines, or becomes incapable to act as chairman, or ceases to be a Commissioner, the Commissioners or any five of them, at a meeting specially summoned for the purpose, shall select a member of their body, not being a paid Commissioner, to be a permanent chairman.

(3) If the chairman is absent from a meeting, a majority of the members present may elect a chairman for that meeting.

(4) Questions shall be decided by a majority of votes.

(5) The chairman of the meeting shall have a vote, and in the event of an equality of votes he shall have a casting vote.

The secretary to the Commissioners.

154. (1) There shall be a secretary to the Commissioners.

(2) The secretary for the time being may be removed by the Lord Chancellor on the application of the Commissioners.

(3) If the office of secretary is vacant, the Commissioners, with the approbation of the Lord Chancellor, may fill the vacancy.

(4) The secretary shall, in the performance of his duties, be subject to the inspection, direction, and control of the Commissioners. His salary shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, determines.

(5) Every person appointed secretary shall be a barrister of at least seven years' standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

Clerks to Commissioners.

155. (1) The Commissioners may appoint such number of Clerks as the Treasury sanctions.

(2) The Clerks to the Commissioners shall be paid such salaries as the Treasury assigns. The salaries of the Commissioners, secretary, and clerks, and their expenses to the amount sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

Superannuation allowances. 22 Vict., c. 26, 50 & 51 Vict., c. 67.

156. As respects superannuation allowances, the paid Commissioners, and the secretary and clerks shall be subject to the provisions of the Superannuation Act, 1859, and the Superannuation Act, 1887.

Secretary and clerks to make a declaration.

157. Every secretary or clerk shall, before he acts, make before any one of the Commissioners the declaration to be made by the secretary and clerks of the Commissioners set forth in the first schedule.

Disqualification of Commissioners and their secretary and clerks.

158. (1) A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is, or within one year prior to his appointment has been, interested in a licensed house.

(2) If any Commissioner or the secretary or any clerk of the Commissioners becomes interested in a licensed house, he shall be disqualified to hold his office.

(3) Any disqualified person continuing to act shall be guilty of a misdemeanour.

Meetings and Procedure.

Commissioners to hold meetings for granting licences.

159. (1) The Commissioners, or some five of them, shall hold quarterly meetings at their office, or at such other place as the Lord Chancellor may direct, on the first Wednesday in the months of February, May, July, and November in every year, to receive applications for licences for houses for the reception of lunatics within the immediate jurisdiction of the Commissioners.

(2) In case on any such occasion five Commissioners are not present, the meeting shall take place on the following Wednesday, and so on weekly, until five Commissioners assemble.

(3) The Commissioners assembled at every such meeting shall have power to adjourn the meeting from time to time, and to such place as they think fit.

(4) Any five of the Commissioners may, at any other time, at a meeting duly summoned, receive applications for licences.

Provision for calling meetings.

160. (1) If a Commissioner by writing under his hand requires the secretary to call a meeting of the Commissioners for a purpose specified in the writing, or for general business, the secretary shall call a meeting.

(2) The secretary shall give to the Commissioners, or such of them as are in England, and have an address known to the secretary, twenty-four hours' notice of the place, day, and hour of the meeting, and of the purpose for which it is to be held.

(3) Any three Commissioners assembled at a meeting shall be a quorum, and shall constitute a board, except where by this Act five Commissioners are required to be present at any meeting.

(4) Every meeting shall, as far as circumstances admit, be held at the office of the Commission.

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Power to make orders and rules to regulate procedure.

161. (1) The Commissioners, or any five of them present at any quarterly or other meeting, may, by resolution sealed with their seal or entered in a book kept for the purpose, and signed by five at least of the Commissioners present at the meeting, make orders and rules for regulating the duties of the Commissioners and of their secretary, clerks and servants, and for the transaction of the business of the Commission.

(2) The secretary shall give to each Commissioner, so far as circumstances admit, not less than seven days' notice of a meeting for the purpose of making orders or rules, and shall state in the notice the purpose of the meeting.

Reports and Records.

Reports to be made to the Lord Chancellor.

162. (1) The Commissioners shall, at the expiration of every six months, report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

(2) They shall also, in or before the month of June in every year, make to the Lord Chancellor a report made up to the end of the preceding year, of the condition of the institutions for lunatics, and other places visited by them, and of the care of the patients therein with such other particulars as they think deserving notice.

(3) They shall lay copies of the reports to be made under this section before Parliament within one month after the same have been made if Parliament is then sitting, and if not, within twenty-one days after the commencement of the next session.

These are substantially re-enactments of the provisions of Sections 3 to 16 of 8 and 9 Vict. c. 100. One of the chief differences is that in place of the eleven gentlemen specifically named in Section 3 of the Act of 1845, it is now provided by Section 150 that there shall continue to be Commissioners in Lunacy, and such of them as are qualified for appointment by being medical men or barristers shall be entitled to receive salaries. This has alwa s been taken to mean that there may be five unpaid Commissioners and six receiving payment, three of whom are to be medical men and three barristers. At present, however, there are only two honorary Commissioners.

The permanent Chairman of the Commissioners has always been one of the honorary Commissioners.

Board Meetings.

The Commissioners, three of whom form a quorum, except for licensing matters, when five must be present, hold board meetings every week on Wednesday. On the first Wednesday in February, May, July, and November in every year, a quarterly meeting is held when necessary to receive applications for licences for houses for the reception of lunatics within the immediate jurisdiction of the Commissioners.

Since 1890 the licensing business of the board has been very considerably diminished, as by Section 207 of the Lunacy Act, 1890, the power to grant new licences has been abolished.

The business of the Board consists, in addition to licensing, of:—

(1) Receiving and considering entries made by members of the Board on the occasion of their visits to the various institutions which it is their duty to visit, reports on workhouses, and single patients.

(2) Considering and discussing all matters of importance in connection with the policy of the Board, or any of the innumerable subjects which may from time to time arise in connection with any of the insane or of the establishments in which they are detained.

(3) Any matters for which a board order is required—such as dispensations in medical visits, orders to visit, changes of holders or petitioners, permissions to receive more than one single patient, property reports to the Lord Chancellor, prosecutions, deaths occurring in any establishment if in any way the result of violence or accident, the reception of deputations, and interviews, and any other matter

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on which the Commissioners for the time on duty or the secretary may think it advisable to obtain the opinion of the Board.

(4) Plans, contracts, and estimates are reported to the Board and referred to the special consideration of individual Commissioners.

Lunacy Commission work in 1845.

At the time when the Lunacy Commission was started in 1845 the number of the insane to be visited was about 25,000. They were detained in :—

Asylums, some being county asylums receiving only paupers, others being county and subscription asylums receiving both private and pauper patients	21
Hospitals receiving lunatics	11
Houses, licensed by the justices in session which receive private patients only, private and pauper patients, or pauper patients only	96
Houses licensed by the Commissioners in Lunacy which receive private patients only, pauper as well as private patients, or pauper patients only	48
Total	176
Workhouses in Unions and parishes estimated at	750
Gaols containing lunatics, say	20
Bethlehem Hospital and Naval and Military Hospitals	3

Lunacy Commission work at present time. Visitation.

On the 1st of January, 1906, from the Returns made to the Commissioners, the number of persons in England and Wales certified as insane and under care, was 121,979.

The county and borough asylums are now ninety-one in number and six more are in the course of construction. In addition to these, there are fourteen registered hospitals, eight idiot establishments, three State institutions, twenty-one Metropolitan licensed houses, and forty-four provincial licensed houses, and in houses scattered over the country, many of them remote and inaccessible, are 409 single patients. All the county and borough asylums, the State and idiot asylums, are visited once a year. Many of the former are of huge size, containing from 1,800 to 2,700 patients, and involving from two to three days' visitation, every patient being seen and afforded full opportunity of speech and complaint, of which large numbers avail themselves. The increase which has taken place of late years in the size of individual asylums is an important item in the growth of the Commissioners' work, and adds materially to its trying nature.

The hospitals and country licensed houses not licensed by the Commissioners are visited by them twice a year, the Metropolitan licensed houses always six and generally eight times a year, and at each statutory visit to all these institutions the Commissioners see every patient, and carefully satisfy themselves both that his or her continued detention is justifiable and necessary, and that the treatment is such as to promote recovery and comfort. With the same objects they visit the single patients invariably once, and frequently twice a year. In 1905, of the 409 single patients 52 were visited twice, and 357 visited once. The Commissioners also annually visit the large asylums of the Metropolitan Asylums Board, which are five in number, and a third at least of all the workhouses in which there are any lunatics or imbeciles. The workhouses thus visited annually average about 250, and the inmates seen about 14,000.

On every visit to a county or borough asylum, hospital, licensed house, or branch establishment of any of these, to an institution for idiots, naval or military hospital, criminal lunatic asylum, workhouse, Metropolitan district asylum, or single patient, a written entry in the books or a report has to be prepared. The reports of Commissioners visiting institutions in 1905 are set out at length in Appendices C, E, F, G, H, I, and K, of the Sixtieth Annual Report of the Commissioners to the Lord Chancellor, presented on the 28th of June, 1906.

The visits to all classes of institutions except workhouses are prescribed by statute to be paid by two Commissioners, one of them being medical and the other legal. It is obvious that in the event of one Commissioner being temporarily incapacitated by illness, the services of the other become equally unavailable, and this particular class of work is unable to be proceeded with, thus causing great inconvenience.

To carry out so large a programme of visitation, it is necessary to make very complete arrangements in advance. England and Wales have for this purpose been divided up into six circuits.

These are allocated to pairs of Commissioners, each Commisioner going on two circuits in each year, with the result that every Commissioner visits every institution in England and Wales in the course of three years.

Single patients outside the Metropolitan area are visited by one or other of the Commissioners of the circuit in which such patients reside.

The Metropolitan houses, and single patients in the Metropolitan district, are visited by the Commissioners in turn

Work at office.

But the duties of visitation are supplemented by others which have to be undertaken at the office.

Whenever a patient is admitted to an institution for lunatics or as a single patient, copies of the reception order, medical certificates, medical statements, etc., are sent to this office, where they are carefully scrutinised. Subsequently a portion of them are examined by the secretary and the rest by the Commissioners on duty or one of them, with the object of seeing whether they justify the detention of the patients concerned and whether, if defective in form, they are capable of amendment under Section 34 of the Lunacy Act, 1890. The Commissioners also see and examine personally the reports on the condition of private patients sent at the end of a month after admission (first required by Section 39 of the Act of 1890), and any further reports which they think it necessary to call for in regard to any patients whether as the result of a visit paid or otherwise. A new class of reports and certificates was introduced by the Lunacy Act, 1890, Section 38, which are sent in at the end of the first and second years after admission of every patient, and afterwards at longer intervals while he remains under detention. All these are examined by the Commissioners personally.

Notice of the death of every certified patient, and of every serious casualty, is given to the Commissioners. The medical Commissioner on duty takes charge of these matters, calling for any information he requires, reports by medical officers, case book entries, post mortem notes, statements of witnesses, coroners' depositions, etc., himself drafting any letters which require technical medical knowledge.

Annual Report.

The annual report to the Lord Chancellor under Section 162 (2) of the Lunacy Act, 1890, imposes a considerable amount of labour upon the Commissioners, especially those portions of it which deal with the statistics and the county and borough asylums.

PLANS, CONTRACTS AND ESTIMATES.

The Commissioners are required to examine and report to the Secretary of State upon all plans, contracts, and estmates of asylums, and with regard to hospitals and licensed houses, to determine themselves as to the propriety and fitness of the erection, additions to, and alterations of these various buildings. The examination and consideration of plans by the Commissioners themselves are rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health, and as mental and physical invalids, and with the special construction and appliances which experience has shown to be necessary for their safety and treatment.

The duty of considering plans and contracts for the purchase of land or of erection of buildings for the purposes of asylum accommodation was imposed on the Commissioners by Section 45 of the Lunatic Asylums Act, 1853. This section also provided that estimates of the cost and expense of carrying such plans into execution were to be submitted direct to the Secretary of State. Under Section 5 of the Lunacy Acts Amendment Act, 1862, such estimates were also to be submitted to the Commissioners. This section is the first indication of the intention of the legislature to impose upon the Commissioners the duty of safeguarding the interests of other people than the patients themselves.

16 & 17 Vict. c. 97

25 & 26 Vict. c. 111.

The two sections already quoted are embodied in Section 272 of the Lunacy Act, 1890.

"For the purpose of procuring the approval of a Secretary of State to any agreement, contract, or plan requiring approval under this Act, the agreement, contract or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners and to the Secretary of State, and the Commissioners shall make such enquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval."

The consideration of plans, contracts, and estimates under Section 272 is one of the most difficult and onerous duties imposed upon the Commissioners, and has been especially so since 1890, as so many new asylums have been erected since that year, involving the expenditure of very large sums of money.

ASYLUMS ERECTED AND OPENED SINCE 1890.

Name of Asylum.	Cost of Land.	Cost of Buildings.
	£	£
1. Brecon and Radnor -	11,632	130,182
2. Herts. - - - -	10,704	177,003 *(1)
3. Lancs. (Winwick) - -	22,250	422,630 *(1)
4. Lincs. (Kesteven) - -	6,262	138,682
5. London (Bexley) - -	24,485	431,616
6. „ (Claybury) - -	39,415	493,235
7. „ (Manor) - -	3,710	121,842
8. „ (Horton) - -	7,920	468,564
9. „ (Epileptic Colony)	4,384	94,999
10. Middlesex (Napsbury) -	57,150	(Buildings not yet completed).
11. Notts. - - - -	6,880	147,296
12. Somerset (Cotford) - -	13,520	202,678
13. Staffs. (Cheddleton)- -	12,750	253,614
14. Sussex, E. - - -	16,179	367,186
15. Sussex, W. - - -	24,746	220,475
16. Wight, Isle of - - -	4,916	59,211
17. Yorks (Scalebor Park) -	13,249	89,173
18. „ (Storthes Hall) -	44,098	237,530 *(1)
19. Canterbury - - -	10,124	67,883
20. Croyden - - - -	4,298	212,954
21. Middlesborough - -	9,385	131,572
22. Plymouth - - -	4,690	90,873
23. Sunderland - - -	17,400	115,661
24. West Ham - - -	21,319	322,149
25. Newport - - - -	15,400	102,033
26. York City - - -	13,653	96,724

ASYLUMS NOW IN COURSE OF CONSTRUCTION.

† (2) Essex 2nd. Asylum (Colchester) - - -	10,350	440,000
Leicester and Rutland Asylum (Narborough)	19,200	180,000
London County 10th. Asylum (Long Grove)	—	490,000
Surrey 2nd. Asylum (Netherne) - -	21,300	300,000
Worcestershire 2nd. Asylum (Barnsley Hall) -	17,000	195,000
† (2) Yorkshire, West Riding (Storthes Hall) - -	—	440,000
Cardiff - - - -	38,000	250,000

* (1) Payments not complete.
† (2) Complete plans not yet approved.

Apart from new asylums, the alterations, additions, and improvements to county and borough asylums already existing have of late years also involved a large capital expenditure, plans and estimates for which have also to be examined by the Commissioners. The amount of such estimates in 1905 exceeded £170,000. There were also minor additions and alterations, which amounted in 1905 to over £20,000.

The Commissioners at present employ the services of an architect of large experience in asylum construction, who is consulted on all plans and estimates of importance. The Commissioners derive great assistance from his advice, but feel that this system is not sufficient to enable them to prevent unnecessary expenditure or to obtain as full a criticism and amendment of plans and specifications as is desirable. What is really required is that an experienced salaried architect should be attached to the office, to devote the whole of his time to the work. The Commissioners are fully alive to the burden that the vast expenditure on asylum accommodation has imposed upon the ratepayers, and they are most anxious to do all in their power to check unnecessary outlay and extravagance. At present, plans, contracts, and estimates, in addition to being examined by the Commissioners, have to be submitted to the Home Office for the approval of the Secretary of State, and they also have to be submitted to the Local Government Board, under Section 274 of the Lunacy Act, 1890, whose consent is necessary before the local authority can borrow money upon the security of the county or borough funds. It appears to the Commissioners that one thorough examination would be more effective than three incomplete ones.

At any rate, if the Commissioners are to co-operate effectually with the Home Office and the Local Government Board in checking extravagant expenditure on asylum accommodation, it is essential that they should have an expert of experience permanently attached to the office to assist them. Under present conditions they have not themselves the expert knowledge which is necessary to make their examination of estimates effective, and, even if they had, they have not the time at their disposal to deal in detail with the items which amount in the aggregate to such a large figure in every year.

The Secretary.

The Secretary to the Commissioners must be a barrister of seven years' standing, and is appointed by the Commissioners with the approbation of the Lord Chancellor. In the performance of his duties he is subject to the direction, inspection, and control of the Commissioners. His salary is to be of such amount as the Treasury, with the concurrence of the Lord Chancellor, determines. The present amount is £800 a year, rising by annual increments of £50 to £1,000 a year.

The duties of the Secretary are the usual ones connected with the conduct of the business of a Government Department. To him is left the control and management of the office, and he is also accounting officer. In addition to the ordinary routine work it is his duty:—

(1) To deal with the very considerable daily correspondence.

(2) To interview any callers at the office, who in the course of a year are very numerous.

(3) The advice of the Commissioners is requested on every sort of subject, legal, medical, and general, and is always very freely given. The practice is for the Secretary to deal with all applications in the first instance, subsequently, if necessary, referring them to the Commissioners in residence, or, if involving any point unusual or difficult, to the Board for its decision.

(4) To deal with all legal questions which arise from time to time, where necessary after consultation with the legal Commissioners.

(5) To deal with communications from other Government Departments, special enquiries from Ministers and Members of Parliament, which are especially numerous when a new Government comes into office, and when Parliament is sitting.

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(6) To prepare all returns called for by the Lord Chancellor or any Secretary of State.

(7) To prepare reports to the Lord Chancellor under Section 100 of the Lunacy Act, 1890, where there is reason to think that a patient's property is not duly protected or the income not duly applied for his benefit, and to institute inquiry as to a patient's means whenever necessary.

It is also his business to edit and prepare for publication the annual Report made by the Commissioners to the Lord Chancellor.

He has also to deal with all documents concerned with the detention of patients which are in any way irregular, and as to which further enquiry is necessary.

When, as occasionally happens, owing to stress of the visitation duties, no Commissioner is at the office, his work is considerably increased.

He is removable from his office by the Lord Chancellor on the application of the Commissioners.

Clerical staff.

Section 11 of 8 and 9 Victoria, c. 100, empowered the Commissioners to appoint during pleasure two clerks with not more than £200 a year between them, and, with Treasury consent, to appoint one or two other clerks with aggregate salaries not exceeding £200 a year. It was soon found, however, that more clerks than four were needed, and that £40 a year was insufficient to pay them; and the deficiency had then to be made good out of license fees, or, since 1854, by vote.

The increasing work of the Commission has from time to time required that the clerical staff should be increased, and the present staff is as follows:—

		Annual increment.	Maximum.
1 Chief Clerk at -	£500	£20	£650
3 Higher Division Clerks at -	£150	(£15) (£20)	(£350) (£500)
1 Clerk at - -	£260	£10	£350
1 2nd Division (Higher Grade) Clerk at - -	£250	£10	£350
8 2nd Division Clerks at -	£70	(£5) (£7 10s.)	£250
1 Shorthand Writer and Typist at -	£100	£10	£200
1 Shorthand Writer and Typist at (weekly)	30s.	2s.	60s.
1 Abstractor at -	£55	(£4) or (£5)	£100

There is also an office-keeper, a hall keeper, and an under-messenger.

The official day was extended to seven hours from May 1st, 1890.

While all departments of the Office have quite as much work as they can do, it may be pointed out that the new legislation contained in Section 38 of the Lunacy Act, 1890, as amended by Section 7 of the Lunacy Act, 1891, has imposed upon the Registry Department of the office very considerable extra work. In 1905 the number of special reports received amounted to 30,531, and it is estimated that next year when another series of reports becomes due that the number will amount to 34,000.

About 100 cases are annually discovered in which no report has been sent, and the patients have to be re-certified.

There are still some 18,000 reception orders in force made before 2nd February, 1890. These have to be continued every five years; the next special reports will be due in April, 1907.

The Commission are temporarily housed in two floors of 66, Victoria Street, premises which are singularly ill-adapted for the work of the Department.

This temporary change was rendered necessary by the fact that their old premises at 19, Whitehall Place, were required for the purposes of the new War Office.

The Office of Works has been approached with a view to the provision of a separate house for the Commission, a step which it is much to be hoped will soon be taken.

It appears to be univerally recognised that the time has come when some steps must be taken to enable the Commissioners to keep pace with their almost daily increasing duties.

Up to the present time the Commissioners have succeeded in performing all their visitation duties, but only at very high pressure, with great inconvenience to themselves, and at too high a rate of speed for efficiency, and it is clearly impossible for them at their present strength to undertake any increase of work.

The chief difficulty would appear to be to decide upon the form that any relief to be given could take. It has been suggested that the difficulty might be met by the appointment of deputy Commissioners.

The Commissioners see considerable objection to the appointment of deputy Commissioners or inspectors to undertake their general visitation duties. They would not have the knowledge and experience, and therefore influence, of the Commissioners, who dealing with all matters connected with asylums and patients, going from one to another, seeing things for themselves, and not taking ideas at second hand, are recognised as experts on all points with reference to asylums and the insane.

Moreover, deputy Commissioners or inspectors, less generally experienced and less paid than the Commissioners, would be at a serious disadvantage with the highly-paid and skilled medical superintendents and other medical experts. The Commissioners entirely agree with the evidence given by Lord Shaftesbury before the Select Committee of 1877. At the time when Lord Shaftesbury gave his evidence the number of the insane was about 70,000, and at that time his Lordship was not in favour of increasing the number of the Commissioners. It was, however, suggested by one of the Committee that it might be advisable to employ deputy Commissioners for the purpose of visiting, who would simply report; to which his Lordship replied:—

"That would destroy the whole system upon which we have acted from the very beginning, namely, that the Commissioners should see the things with their own eyes and not depend upon reports and upon secondhand evidence. We have found it work admirably, and I am quite sure that if we destroyed that system we should destroy our efficiency altogether. We go all over the country, every Commissioner seeing the whole of the country in the course of the year or in two years, consequently they acquire an enormous amount of experience and judgment in dealing with these matters, which enable them to speak with very great authority. In licensed houses we have power, but when we go to county asylums and borough aslyums we have nothing but the influence arising from our great experience, and the authority with which we can speak. All that would be taken away from us if it were done by inspectors who could know nothing but what was done in their own district. Again, it is of inconceivable advantage that the persons who go upon these visitations go with positive authority, not with authority that is derived from simply making a report, but authority in their own persons. They make reports to the Board, and then they come up to the Board very often to give effect to their recommendations. I cannot conceive anything that would so completely destroy our efficiency as reducing us to a mere council sitting in London with a number of inspectors."

To these important arguments of Lord Shaftesbury it may be added that vicarious visitation by inspectors or sub-Commissioners would be entirely contrary to the root principle of the lunacy legislation of this country, which is based on the opportunity given to the insane to be brought into personal and individual contact with those in whom is vested the administration of the law by which their liberty is curtailed.

25075. (*Mr. Greene.*) You are the person in charge, if I may say so, of the Lunacy Commission?—Of the office. With regard to a question you put to Sir John Dorington

to which he replied that the office was in charge of the Commissioner in attendance, that is not so; the office is in the charge of the Secretary, who is responsible for it.

25076. And you have the management of the office?—Of the staff.

25077. The unpaid Commissioners, as far as I understand, are practically non-existent?—I should not like to say that; they do not attend very regularly.

25078. Can you give me an idea how often the Chairman attends?—I think he has attended three times since I have been Secretary.

25079. You have recently lost one gentleman?—Sir Charles Bagot, whose death we all very much deplored. As long as his health permitted, after he retired, he attended with the greatest regularity and gave the greatest assistance.

25080. When was it he retired?—I think it was about 1903. I can only speak since I have been Secretary. He was attending then regularly every week and if there was anything to be done he was always willing to come in and assist.

25081. So that his death was a very considerable loss?—A very considerable loss.

25082. Has any attempt been made to fill up any of these vacant unpaid honorary Commissionerships; because there ought to be five?—There is a possibility of there being five. I am not sure whether the Commissioners are entirely agreed as to the advisability of having five honorary Commissioners.

25083. Is there any difficulty in getting honorary Commissioners?—I think there would be great difficulty in getting honorary Commissioners who would be prepared to give as much time to the office as is required; one of the honorary Commissioners being Chairman it is essential as Chairman that he should be in touch with the business of the office; if he is not, when he attends and takes the chair it is practically a waste of time.

25084. At present may I take it the constitution of the Commission is not by any means satisfactory?—So far as board meetings are concerned I think I may admit that—I would say not entirely satisfactory.

25085. About the appointment of persons to act instead of a Commissioner in case of illness, under Section 151—"In case of the temporary illness or disability of a medical or legal Commissioner the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts"?—That is so.

25086. Has that been put into force?—Yes.

25087. How often?—Since I have been Secretary it has been put into force at least four times. I would like to point out that it is a little hard when a Commissioner is laid up through illness that if this power is put into force he has to pay the deputy himself.

25088. It does not say so in the statute?—That is a fact.

25089. Has the Secretary acted as a substitute?—The Secretary is not able to act as a substitute. The provision of the section is that the Secretary is eligible to be appointed a Commissioner. So far as I know there is no provision in the Act which says that the Secretary can be appointed as deputy Commissioner.

25090. There is nothing to exclude a person who is qualified to be a "medical or legal Commissioner" and he is qualified to be a Commissioner if he is a barrister?—May I point out that, if that, were done, in addition to having the Commissioners perhaps reinforced with a person who is not fully qualified, you would leave the office absolutely unattended and I should like to add that the business of the Secretary at the office is very considerable.

25091. It has been put into force four times since you have been there?—At least four times.

25092. For what purpose?—That is a little difficult to say. I can tell you this, that when Mr. Inderwick was a Commissioner in Lunacy I had not then any knowledge at all of lunacy affairs, and I know that for two months—the month of May and the month of July, 1904—Mr. Inderwick was ill and he got me to act. That was before I was made Secretary. Since I was made Secretary it has happened certainly three or four times for periods of about a month. *A. H. Trevor, Esq.* 15 Nov. 1906.

25093. And it has been found to answer?—The business has been carried on. You will understand it is rather difficult either to get a medical man or a Barrister who is willing for a period of a month to give up his regular practice to do the job, and there is this to be borne in mind that he cannot be of much assistance to his colleagues because he is quite new to the work.

25094. No assistant Commissioners can be appointed, can they?—No, not at present.

25095. Do you see any practical difficulty or any objection to appointing people to act as inspectors?—Of course to answer that question hardly comes within my province. I am the Secretary of the Commission and I have not the experience that the Commissioners have. I think you ought to address that question to a Commissioner. I know they have expressed their opinion.

25096. I thought you were to be the voice of the Commission?—If you ask me, I know that it is the opinion of the Commissioners, as is stated in the *précis* of my evidence, that they do not approve as a general rule of the appointment of assistant Commissioners.

25097. Can you tell me whether the question has ever arisen of appointing female inspectors to inspect asylums in which women are confined?—The question has never arisen.

25098. Does the Commission employ anyone to make any sort of special investigation at any time, who is not a Commissioner—an investigation into asylums or hospitals or anything of that kind?—Certainly not.

25099. So that the inspection of women is entirely left to the Commissioners?—Yes, entirely.

25100. The Commissioners do appoint doctors to visit patients in institutions, do they not?—They have power.

25101. But do they exercise the power?—Yes, very often when they are unable to act themselves, for the purpose of what is known as the month-end reports, under Section 39, if they are unable to visit single patients—a new single patient.

25102. (*Mr. Byrne.*) Or a private patient?—A single patient would be a private patient.

25103. Or a private patient who is not a single patient?—Yes.

25104. (*Mr. Greene.*) So that they do send them sometimes?—Yes.

25105. That is in the nature of being an inspector, is it not?—They report on the mental condition of the patient.

25106. And the Board acts on that report?—Very frequently.

25107. Is there any difference between that and an ordinary inspector who might be appointed by the year instead of by the job?—I suppose the person who is selected is generally selected because he is a suitable person to do the work.

25108. The Board apparently are quite satisfied to act on such materials?—Yes. There is also the power under Section 204 to appoint a person to inquire into cases requiring immediate investigation. Of course the Commissioners would sooner do these things themselves, but they are so pressed for time that they cannot do it.

25109. How are those paid for?—The question of their payment comes up in this way; the gentleman who visits reports to the Board what his expenses have been and also the number of hours he has spent on the visit; the Board then decides what is the proper fee and orders me to pay the fee to him. The Board makes an order to pay the fee to him.

Questions 25110 to 25142.

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25110. How often is this power exercised in the course of the year?—I am speaking rather at random, but I should think perhaps a dozen times—two dozen times it may be.

25111. Have you any idea what amount has to be paid for these inspections?—It is generally calculated from the time that he is on it; about a guinea an hour is the right fee.

25112. Is that not something equivalent to having a system of inspectors?—Not the least; they are quite different cases.

25113. Where is the difference?—The difference is that they are cases in which you go and report on a particular person, to comply with the section of the Act of Parliament, which requires that a medical report should be presented on the matter. A properly qualified medical man is of course competent to report on the condition of the patient and so far as he can on the mental condition.

25114. He looks at the buildings too?—No, he never looks at the buildings, he looks at the person.

25115. He does not see what the surroundings are?—No.

25116. Has your Commission any duties to perform with reference to any matters requiring special knowledge such as architecture, accounts, sanitation, and so on?—Do you mean so far as plans are concerned?

25117. Anything which requires special knowledge. I have given three illustrations—sanitation, accounts, architecture, and so on?—They from time to time issue instructions to architects which involve a certain amount of architectural instruction as to what class of building they consider desirable. With regard to criticising any particular form of architecture when the plans come up, unless they thought it was too expensive, I do not think they would consider that it was within their province to say that one form of architecture was preferable to another, except that one probably might be a great deal too expensive. On that they would comment. If there were any involved question of drainage they would employ a special person to report to them.

25118. And if they had got any matters of account to deal with?—Of course the estimates are submitted to them, but you will readily understand that the cost of modern asylums is very considerable.

25119. Is there any professional person in the office or any outside person, like the architect of whom we have heard, who is consulted in reference to any of the technical details of these different matters that come before the Board?—You know the consulting architect is consulted on pretty nearly every big scheme, and he is also asked to advise on the cost, but apart from that there is no one in the office.

25120. Are your accounts published at the end of the year?—Yes, every year. I have a paper here which will show you the expenses; if not, I can furnish you with the accounts of the office. I am not quite sure in what form they are published; they are published in a volume with the returns from all the other Government departments.

25121. Are they made public so that the public can get at them?—Yes.

25122. Are your accounts audited?—They are not audited in our department. Of course they are audited. I am accounting officer and am responsible for the returns made from our office.

25123. Is there anybody to check or audit your expenditure?—Yes, there is a branch which is very vigilant in its overhauling.

25124. Do not suppose I am suggesting that it is not all proper; I only want to follow what the practice is, because if we are going to suggest that there is to be an amalgamation of the two departments one would like to see what audit system there is with reference to you, and what there is with reference to other people who are to swallow you up or whom you are to swallow?—If I might deal with that account, there is a certain Parliamentary Grant which amounts to something like £15,000 every year. Against that you may take salaries and travelling and other incidental expenses. All those expenses have to be signed by the Commissioner when he sends his expenses in, and vouched for, and any questions that the Exchequer and Audit Office may have to ask, they ask him, and they are explained; they are audited very strictly.

25125. Where would the architect come in?—The architect is included in that.

25126. In "salaries and wages"?—Yes. He is paid for the work he does—no regular salary per annum.

25127. It is under the head "salaries and wages, £14,340"?—That would include the architect.

25128. Would his charges come before anyone to be audited?—They are checked by the Commissioners.

25129. That means by you?—No, by the Commissioners. The plans of each particular place are attended to by the individual Commissioners and they give instructions for what is to be done, and whatever they require they send to the consulting architect to be looked at. Then the Commissioner who is dealing with one particular lot of plans sees the architect's charges and forms his own view as to whether they are proper. I do not know that the architect's charges actually go in to be audited by the Exchequer and Audit Office.

25130. Are the charges of these doctors who go down as special visitors checked or looked after?—I should see whether they were proper. The Commissioners take good care that they shall be proper charges.

25131. I am not suggesting that is not so; I only want to know what the system is.

25132. (*Dr. Needham.*) The charges for the architect and the charges for this visitation are very small sums in the aggregate?—Comparatively small sums.

25133. The architect is about what?—It averages something between £250 and £300 a year.

25134. (*Chairman.*) Are not your accounts audited just the same as in every Government department?—Yes.

25135. (*Mr. Greene.*) They are voted, I see, but I did not know whether they were audited by the Treasury auditor?—Yes.

25136. Is there any expenditure on your part for law costs?—None.

25137. How are prosecutions conducted?—They are conducted by the Public Prosecutor.

25138. Can you tell me how often during the last year the Commissioners have been delayed by reason of one of them not being able to join his colleagues on a visitation?—Do you mean when they had once started on a circuit?—

25139. I suppose so, because the paragraph in your Statement of Evidence says: "It is obvious that in the event of one Commissioner being temporarily incapacitated by illness, the services of the other one become equally unavailable, and this particular class of work is unable to be proceeded with, thus causing great inconvenience"?—That happened only the other day.

25140. Does it often happen?—Not very often; twice this year it has happened.

25141. Do the Commissioners take anybody with them to travel round on these visitations, or do they do all their clerical work themselves?—They do all the clerical work themselves, and the long entries at the conclusion of the visiting are a very considerable labour for the legal Commissioner; he always writes the entries.

25142. There is an allusion in your evidence I am not quite able to follow—a suggestion that at present "plans, contracts and estimates in addition to being examined by the Commissioners, have to be submitted to the Home Office for the approval of the Secretary of State, and they also have to be submitted to the Local Government Board under Section 274 of the Lunacy Act, 1890, whose consent is necessary." In what cases is that?—In every case where a public body proposes to borrow money to pay for their asylums.

25143. Where does it say in Section 274 that there is any necessity to submit these plans ?—They do not have to approve the plans; they have to approve the general scheme.

25144. The paragraph seems to be dealing with the assistance of the architect being necessary because of the plans having to be submitted to both the Home Office and the Local Government Board under Section 274. I have looked at Section 274, and I do not see anything about submitting plans ?—Do you think the Local Government Board are likely to make up their minds as to the advisability of any scheme for a new asylum without seeing the plans and the estimates ? I am not sufficiently conversant with the practice of the Local Government Board, but I am told that the plans are submitted to them. It is a subject on which they have a great deal to say.

25145. Can you tell us what salary it is estimated should be given to the architect ?—That would be a very great difficulty. I think it is clear that an architect is needed, and it is also clear that you must have a competent man; a beginner or a person without any weight would be practically useless; it would be merely throwing money away. It must be a man with an adequate salary, in my view of the matter.

25146. An "adequate salary" may be differently estimated ?—I do not think you would get a person to do the class of work we require under £1,000 a year.

25147. The suggestions that were made to us on behalf of the Commission would entail £1,000 a year for an architect, and they suggest the addition of two Commissioners ?—I think the appointment of a competent architect would be a most tremendous saving to the ratepayers.

25148. We will assume that. We are now on the question of finance. The suggestion put forward by the Commissioners would involve two Commissioners at £1,500 a year each, that would be £3,000; and an architect at £1,000; that would be £4,000 ?—I do not think you can possibly do it for less.

25149. Is there anything else you think would have to be borne by the public, any other expenses, if we adopted the suggestion of the Board ?—That would depend so much on your report and what your advice is and how much is adopted of your report with regard to looking after the feeble-minded.

25150. I gather the exigency of the present state of affairs requires two additional Commissioners to be appointed who should be both medical practitioners ?—That is the view of the Commissioners.

25151. That is inevitable, and that is £3,000 a year. Then "Assistant Commissioners are to be appointed in such number as may be required in view of the increased duties that may be imposed on the Commission." I quite agree that you cannot tell how many are wanted until our recommendations are known and adopted. Anyhow, that is £3,000; then the architect makes it up to £4,000 a year to put the present Commission in a state of efficiency as it should be now ?—That is the view.

25152. Then practically they suggest, not filling up the unpaid Commissionerships, adding two to the number, and an architect, and increasing the cost by £4,000 a year—that summarises the scheme ?—Yes.

25153. If there is to be any additional work put upon the Commission that would have to be provided for in addition ?—Yes.

25154. (*Dr. Needham.*) Is it the view of the Commissioners that the honorary Commissionerships should not be filled up ?—No, I do not know that it is the view of the Commissioners.

25155. (*Mr. Greene.*) I thought you said just now that they did not think it desirable to fill them up ?—They do not fill them up.

25156. No, but they do not think it desirable ?—That is a wrong impression I have conveyed. They have not been filled up; I think the opinions of the Commissioners rather vary on the matter. I am informed that application has been made to the permanent secretary of the Lord Chancellor with a view to filling them up. Whether there was difficulty experienced or not I do not know, but they have not been filled up.

25157. For many years there have been two vacancies ?—Some years—from before my time.

25158. I think it is 1887. The clerks you mention in your Report fall entirely under your inspection, but are not appointed by you ?—That is so.

25159. Was there any increase in the number of clerks resulting from the Commission of 1878 ?—I really do not know; there must have been.

25160. Has there been any increase in the number during recent years ?—Not since I have been Secretary.

25161. Would the appointment of these two additional Commissioners and the architect involve any addition to the clerical staff that you require ?—I think not.

25162. Not even if the Commissioners act singly instead of in pairs; it would not increase the work, copying so many more reports ?—I think not. That would have to be considered; I cannot say off-hand as to that; it is impossible.

25163. (*Dr. Needham.*) So that there has been no increase in the number of clerks in the last two years. Has there been any recent increase in the number of clerks ?—No.

25164. Was there any increase of the number of clerks when the Lunacy Act, 1890, was passed ?—Yes, I believe there was.

25165. (*Mr. Greene.*) Do you know how many ?—really cannot say.

25166. Has there been any application for an increase of the staff ?—I have never applied for an increase of the staff.

25167. You are not aware that there has been ?—I am not personally aware, but I am informed that there have been some. There must have been from time to time. The Act of 1890 increased the work of the office.

25168. Perhaps you will kindly clear up a difficulty I see in following the report. The only alterations which are recommended by the Commissioners are the increase of their number by two, and the addition of an architect. How is it they have not suggested that the number of clerks should be increased ?—We have not felt the need yet.

25169. You do not think they will be wanted ?—I do not say that; I am not in a position to judge; I will wait till the occasion arises.

25170. I mean according to affairs as they at present are ?—They have quite enough to do.

25171. I see as part of the justification of the opinion of the Commissioners (*vide* page 8, col. 1) the Commissioners say they see considerable objection to the appointment of deputy Commissioners or inspectors to undertake their general visitation duties. Then you refer to Lord Shaftesbury's opinion. That was given to a Royal Commission which was not enquiring into that subject at all ?—That Commission, as I have mentioned in my statement, was enquiring into whether people were improperly detained. He was asked this question and he expressed his opinion.

25172. But it was not the only opinion ?—I am not prepared to say; I have not had time to read all the evidence.

25173. Someone adopted another view ?—I do not know.

25174. Did the Commissioners adopt it ? That Commission was dealing with something totally different from what we have to deal with; one must look at the scope of the reference to them to see whether this piece of evidence is of any value to us. They were enquiring

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not into the work and jurisdiction of the Lunacy Commissioners at all, they were enquiring into the subject of people improperly detained?—Yes, but like so many other Commissions, they carried their enquiries a little bit further; they seemed to have thought they would like Lord Shaftesbury's views as to the adequacy of the Commission then, to perform its work. He expressed the view that if the work did not increase the Commission as then constituted was sufficient to perform the work. At that time there were 70,000 certified lunatics who had to be visited. One member of the Commission went a little further and asked him this question about deputy inspectors or deputy Commissioners, and Lord Shaftesbury gave that answer to that question. Whether it was germane to the question which the Select Committee was trying I really am unable to say.

25175. Can you tell us whether the Commissioners in their Report dealt with that or adopted it, or is it only that we have got a piece of evidence before us of a very distinguished man?—They did not adopt it; they did not appoint the deputy Commissioners; the Board did not want them.

25176. I mean the Royal Commissioners did not concur in this?—They did not deal with it.

25177. Do you find yourself at any time in any difficulty with local authorities; do they complain of you or do you find everything passes smoothly with them?—I think everything passes smoothly; that they always get what they want I do not for a moment suggest, but there is no friction.

25178. Do they make any grievances either that you have not sufficient power or that you do not exercise your powers promptly and adequately?—No, I have not heard that. They may make complaints to others.

25179. They have not to you?—No.

25180. If they have not made complaint to you, you have a right to assume they have no cause of complaint?—That answer must not be taken as saying that in all cases we see eye to eye with the local authorities.

25181. Do you have any communication with the visitors in Chancery?—Occasionally we have communication with them in this way; when the same patient is visited by both I dare say the Commissioners like to know the view of the Chancery Visitor, and the Chancery visitor may like to know the view of the Commissioner; sometimes they differ. I have known a case in which they differed, until they got into consultation with each other.

25182. As to the sanity of a person or the propriety of the detention?—As to something about the arrangements; I forgot exactly what the case was. I am reminded that it was as to whether the provision which was made as to the particular place where the single patient was living was suitable or not, but there is never any friction between them. I have found since I have been secretary that difficulties have always been got over by the Commissioners seeing the Chancery Visitor, or the Chancery Visitor seeing the Commissioners. In that one case there was a difference of opinion between a Commissioner and a Master, and the Master was seen and the matter was settled.

25183. Is there any relation between Masters in Lunacy and the Commission. Do they have to act together in any matters?—No, not together at all; there are many patients who are under certificates and who are within the jurisdiction, so far as their persons are concerned, of the Commissioners in Lunacy who are also possessed of property and in those circumstances an application has to be made to the Master under Section 116 for the appointment of a receiver and the receiver is appointed and accounts to the Master and to the Master alone. The difficult cases are cases of small amounts when it is essential that a receiver should be appointed. The Commissioners perhaps find out that there are private means and then they are almost obliged to suggest that application be made for the appointment of a receiver to the Master; and they know that the property is small and that the cost of the application to the Master is considerable. It has to be made by a solicitor. I believe it is very difficult to get out of an application to the Master for the appointment of a receiver, under £20.

25184. What is the medium of communication between the Lunacy Commission and the Chancery department, whether it is Visitors or the Master?—The ordinary medium.

25185. You do not have to do it through the registrar?—No, it is direct; either I go and see them, or they come and see me, or their clerk comes and sees me; there is never any difficulty.

25186. Suppose there were an amalgamation, would that facilitate matters?—Do you mean an amalgamation between all three?

25187. Yes?—I am not sufficiently informed to express an opinion about that.

25188. At all events if the same body had to deal with everything there might be less cost—the solicitor for instance—the cost of £20 would not be incurred?—I do not suppose that if you were starting a new system of lunacy administration you would ever start such a system as is in vogue now.

25189. With reference to the liberation and discharge of patients does that fall within the province of the Commissioners?—In certain cases, yes.

25190. Which cases?—All cases except asylums and workhouses.

25191. All private patients?—All private patients; of course not Chancery patients.

25192. How often do your Board meet to consult?—The ordinary board meetings are once a week, on a Wednesday. It does sometimes happen that we cannot get a quorum together, owing to visitation, but there is always a quorum board about once a month.

25193 Is a record kept of attendance?—Yes.

25194 There are certain quarterly meetings prescribed?—That is for licensing.

25195. You have to have five?—If you are dealing with a licensing matter you must have five Commissioners.

25196. Licensing matters are very rare now. ?—Yes; of course licensees die or wish to have some fresh person included in the license; those are considered but there is not very much licensing work.

25197. (*Dr. Donkin.*) I should like to know if possible the collective opinion of the Commissioners on Section 158: "A person shall not be qualified to be a Commissioner or secretary or clerk of the Commissioners if he is or within one year prior to his appointment has been interested in a licensed house." I should like to know whether the Commissioners generally think the provision "or within one year prior, etc.," is desirable?—That matter has been thoroughly investigated. The Medico-Psychological Society approached the Commissioners to know what their views were on the matter and they put theirs before the Board, and the Board concurred with them that it was very hard to require this provision to be insisted on because they felt that it would compel the person who was interested in the licensed house perhaps to divest himself of his livelihood before he knew whether he would be made a Commissioner and they have expressed themselves to that effect to the Medico-Psychological Society and have approached the Lord Chancellor.

25198. The Lunacy Commissioners would advise that this disqualification should be taken out?—Yes.

25199. You would rather not answer any question concerning the desirability of appointing inspectors or deputy Commissioners?—I think you had better ask the Commissioners about that.

25200. (*Mr. Dickinson.*) You have only been Secretary for two years?—Yes.

25201. You heard the questions* I asked Sir John Dorington with regard to the attitude the Board takes on the question whether it should, if I may use the expression, "set the pace" of lunacy administration, that is to say, give any guidance in that direction under modern requirements. I asked him, and I rather understood him to say

* The evidence of Sir John Dorington was given *before* that of Mr. Trevor, but for the purposes of the Commission it was found more convenient to print it *after* Mr. Trevor's evidence.

that he was not quite in a position to give me a full answer. I do not know whether you are ?—Any questions of new forms of buildings and asylums are considered and dealt with by the Commissioners, but it is not for them to lay down that any particular form is to be insisted on to the exclusion of every other. They may have their views on it, I do not mean to say they have not; all these matters are of the greatest interest to them and they consider them as far as possible; but they have not, at any rate in their instructions to architects, ever laid down that one particular form of asylum is to be insisted on and no other. The individual Commissioners take the greatest interest in all these improvements in asylums which go on abroad. I know one has been to Germany and studied the different systems there. Dr. Cooke has to my knowledge; and, with regard to the new asylums at Aberdeen even, I had to go to the Treasury to inquire whether the expenses of a Commissioner would be allowed to enable him to go and visit this asylum, it being essential that the Commissioners should be thoroughly in touch with everything of the sort which is good, all over the world. That was allowed, of course.

25202. The view of the Commissioners is that as a Commission it is not their work to originate ideas as regards either buildings or apartments ?—I think that is so but they would always be most willing to offer their opinion if they were asked.

25203. I think we ought to know before this inquiry is concluded what is the explanation of the Commissioners of what I believe to be the fact, namely, that six or seven years ago the London County Council proposed to work the villa system of asylums and it was not until after some years of persuasion that the Commissioners were induced to assent to it. I do not say that is a fact but I should be glad if we could know what the facts were ?—It happened before my time; I would rather you asked the Commissioners themselves.

25204. Perhaps the one who does know will look up the particulars of it ?—Yes. Are you sure of the fact ?

25205. Of course I cannot give any evidence on the matter, but I have always understood that the difficulty in carrying this through was due to the fact that the Commissioners had to be persuaded first of all ?—If you believe everything which is put down as being due to the action of the Lunacy Commissioners to be true there is a very great deal about which you will have to undeceive yourself.

25206. That is what I wish to put to you, that you may be able to give the facts of the case. There is another question; two or three witnesses have represented to us, I think Mr. Willis Bund especially, that the action of the Commissioners with regard to plans has been to increase the cost rather than to tend towards the reduction of it. I should like an opportunity of finding out how far that is true ?—I can only say generally that I feel sure that is not so; but with regard to dealing with the particular points raised by Mr. Willis Bund I would rather you asked the Commissioner who was, I think, attacked by Mr. Willis Bund.

25207. I do not know that there was any Commissioner attacked ?—The incident is well known.

25208. I think we ought to have the explanation of it ?—Perhaps the Commissioner will give it.

25209. I have noticed that in the statement which you make you give us that important report which was presented long ago in which there is a special recommendation that there should be an attempt made to have asylums constructed in a less expensive style for chronic cases. I should like to know whether the Commissioners have ever done more than express a pious opinion that that should be kept in view ?—I do not know that they have been able to do more than express a pious opinion. All the plans which are submitted to them are submitted by properly elected representatives; ever since the Local Government Act they come up from the county councils; the Commissioners can only express their views on the plans which are submitted to them. But I do know this that there have been, since I have been Secretary, two applications to the Commissioners to know whether it would be possible to have a combination of counties for pathological purposes (I think that is the correct medical term), and the Commissioners regretted to say that there was no power under the Act to enable them to sanction any such union between the counties, though they thought themselves certainly it was very desirable it should be done.

25210. There are other counties where union would not be necessary ?—Yes Lancashire or London. Applications have not come from either of those. I was alluding to another case.

25211. With regard to the subject of boarding out I should like to know whether the system of boarding out lunatics as adopted in Scotland is advisable for England. Has that question ever been considered or have the Commissioners thought it was not their work ?—For the last year I have heard of it incessantly; they have been considering it almost every day, not in a regular formal way before the Board, but they are perfectly alive to the fact that Section 57 of the Lunacy Act, 1890, which allows boarding out is a section which is bounded with many limitations which make it very doubtful whether it could be done; in fact it would be almost impossible to act on it to any large extent. They have made up their minds that there does not seem to be any strong opinion in England in favour of the boarding-out system and they have a somewhat practical knowledge of the equivalent of a boarding-out system in the extremely anomalous case of those 5,000 patients referred to; they are not lunatics included in our returns, they are not visited by the Commissioners, but they live with relations or friends and the only knowledge that the Commissioners have of them is that reports are sent by the medical officer of the neighbourhood quarterly. They are really in receipt of outdoor relief; they are lunatics in receipt of outdoor relief; they are a sort of registered lunatics, but there is no registration; it is an extremely anomalous case.

25212. I understand that this matter has been considered by the Commissioners in the course of last year with the result that they are rather against it ?—No, I should not like to say that they had made up their minds at all. If you take the Scotch Report which deals with it you find that even in Scotland only certain parts are willing to go in for the boarding-out system; there has not been sufficient enquiry over England to enable the Commissioners definitely to say whether there are any parts of England which would welcome it.

25213. What caused the Commissioners to take up this question this year, and not earlier ?—They have always had it in their mind, but it has become more acute, since what one has heard has taken place before this Commission.

25214. Whatever the view at present of the Commission may be, they have not considered they had the function to advise on this sort of question ?—If they were asked they would advise, but it is not their business to suggest.

25215. One question about the architect. At the present moment you have a consulting architect who is an architect outside, who has his own business ?—He is an architect in a general way of business.

25216. He constructs a great number of asylums ?—Yes.

25217. I suppose that is not a desirable condition of affairs ?—Except in so far as he has very considerable knowledge of what asylums ought to be, it cannot be pretended that it is satisfactory.

25218. That is why you advocate that you should have your own architect ?—That is so.

25219. (*Dr. Dunlop.*) Is it the case that your consulting architect has to report on his own plans ?—No, of course he does not, but it is the fact that no one else reports on them. He is supposed to know, and he does know entirely, the views of the Commissioners with regard to checking expenditure. I have already said the system does not commend itself.

25220. (*Dr. Needham.*) You see the drafts of the Commissioners with reference to plans and things like that; you sign them ?—Yes, I sign them.

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25221. Have you seen frequently drafts of letters written by the Commissioners in which they have endeavoured to cut down, and have succeeded in cutting down, expenditure on asylums which was contemplated by local authorities?—Frequently, and to a very large extent.

25222. (*Dr. Dunlop.*) You were quoting Lord Shaftesbury's opinion, and I think you stated that the Committee had not dealt with it?—That was my impression—they had not recommended deputy Commissioners in their report.

25223. But have they dealt with the opinion itself—expressed any opinion?—If you have found out that they have, I will not contradict you.

25224. Perhaps you have overlooked it; it is at page 6 of the Report:—"though it may be true that the lunacy of the majority of patients in an asylum is self-evident, yet it seems physically impossible that with the present strength of the Lunacy Commission minute supervision of those who require it can be sufficiently exercised." That was in 1878, when there were only 70,000 certified lunatics. They did not apparently agree with Lord Shaftesbury that the Lunacy Commission at that time did not want increasing—if that is the point.

25225. That is the point—that the Lunacy Commission was not sufficiently strong to discharge its duties. If that was true in 1877 we may assume it is equally true in 1906?—Yes.

25226. With the addition of 50 per cent. of lunatics?—Yes.

25227. In your statement (*page 4, col. i*) you make a remark that the Commission is not intended to be a board of experts but to be a sort of *quasi*-judicial tribunal. I would like you to explain that a little bit. The Commissioner this morning told us their strength lay in their power of advising as experts. You, in your statement, say very much the same thing, that the whole strength of the Commission lies in their being experts in lunacy?—I do not think you will find that I say that. That is as regards asylums, buildings, and visitations.

25228. Would you like to alter that statement?—No, certainly not.

25229. Do you say they are useful, not as experts?—I think they are most useful as experts, what I have said is not as medical experts. I have already said the Board was never intended to be a board of medical experts.

25230. As a *quasi* judicial tribunal, what judicial powers have the Commission?—The judicial powers are to make up their minds as to what is the best course to adopt under the ever-varying circumstances of each particular case that comes before them; they have no power; that is why I use the word *quasi*.

25231. But would not experts in lunacy be able to make up their minds as to that?—That is hypothetical.

25232. Why must they be judicial?—If you saw the work of the Commission you would see that it is not entirely medical or even very preponderatingly medical, and there are innumerable other questions.

25233. Are they judicial?—Many of them judicial.

25234. Many medical?—Many medical.

25235. And a great many common sense?—I should think a very great number.

25236. What would you put down as the primary object of the Commissioners in Lunacy?—The primary object of the Commissioners is to carry out the duties imposed upon them by the Lunacy Acts 1890 and 1891.

25237. That is more or less begging the question?—I deny that entirely.

25238. Is it not the fact that they are essentially an inspecting body?—Certainly.

25239. And that the inspection of the institutions is their primary and principal duty?—I entirely agree.

25240. And what is more, I think, according to the statement of the Commissioner this morning and according to your own statement here, they are experts in lunacy, never mind in what form, whether medical or judicial experts, and in that fact of being experts lies their strength?—I have not said so.

25241. The Commissioner this morning said so?—I cannot say what the Commissioner said. Of course it is undoubtedly the fact that they have had a very great deal of experience, and their knowledge of the institutions for the insane and of the insane themselves is very valuable.

25242. You are familiar with the duties of the inspectors of asylums?—I did two months' visitation as deputy.

25243. You know the terms of the Act?—I think I do.

25244. The duties as laid down by the Act and as laid down in the rules. Would you look through those duties and tell me any one of those duties which requires special legal knowledge?—Do you mean Section 187?

25245. Yes?—I think, as was said this morning, with regard to visitation, that after anybody knows what is the proper way in which an asylum ought to be run, whether that person be a legal Commissioner, or a medical Commissioner, or an ordinary man of common sense, he can carry out most of those duties satisfactorily. He could not do the classification of patients and the number of attendants on each class.

25246. Is there any one of those duties that requires a legal qualification. I do not deny that a legal man can learn them all; I want to know, is there a single one that requires a legal qualification?—No, I should think not.

25247. Dual inspections are the rule, are they not?—In certain establishments.

25248. Does that mean dual inspection of each patient?—In a large asylum it is impossible, to the fullest extent, that there can be dual inspection by both, but there is in fact inspection by both of each patient. Suppose a patient comes up and speaks to one Commissioner, if he has got a grievance, and the Commissioner thinks there is anything in it, he will probably call his colleague, whether legal or medical, and they will consider the matter together. When the Commissioners walk through the wards happily only a small proportion have these grievances and wish to speak to them, but they have the opportunity.

25249. The patients are not all seen by both Commissioners?—Yes, they are, indeed.

25250. Every patient in the asylum?—Every patient.

25251. Does that apply all round?—In every asylum and hospital.

25252. And idiot asylums?—Yes.

25253. The two Commissioners go round together?—They are always in the room at the same time.

25254. I was in an asylum lately, it was an idiot asylum and I asked what the procedure was when the Commissioners went down, and I was told one went to the male side and the other to the female side?—I am informed that that is so in an idiot asylum.

25255. Does that never take place in a lunatic asylum?—No.

25256. They must essentially go round together?—Yes. I would rather you asked the visiting Commissioners questions of that sort.

25257. I notice you say nothing in your statement about duties under the Idiots' Act?—No.

25258. Is that accidentally or purposely?—Neither the one nor the other. They visit the idiot establishments.

25259. Presumably they grant licences under the Idiots' Act?—Yes, they have done so.

25260. Can they do so at present?—Do you mean new licences?

25261. Yes?—That is a question.

25262. Would you like to give an opinion on that question?—Of course you know that the opinion of the law officers has been obtained on the question. The law officers consider that there is still the power of granting a new license for an idiot establishment.

25263. The duties of the Lunacy Commission under the Idiots' Act are not satisfactory, are they? Can you tell me in what way they are unsatisfactory?—I do not think they are unsatisfactory. You state the fact to me, and then ask me in what way.

25264. I said that because it has been stated many times in evidence?—I should not agree.

25265. Have they sufficient control under the Idiots Act?—I believe so, but I would rather you put these questions to the visiting Commissioners.

25266. You say there are three State Asylums, are there not, at the present moment?—There are only two State Asylums, Broadmoor and Parkhurst.

25267. Regarding these circuits, you say all the provincial asylums are inspected in six circuits?—Yes.

25268. How long does each circuit last?—You can say three weeks to a month—twice a year.

25269. How many working days is that?—Will you address the Commissioners themselves on these points, because I cannot give you the particulars.

25270. As an accounting officer I may ask you a question about the age limit not applying to the Commissioners?—I understand the Commissioners themselves are not civil servants except for the purposes of a pension.

25271. (*Dr. Needham.*) They are appointed during good behaviour?—Yes; and that being so they are only civil servants for the purposes of a pension; there is no compulsory retirement at sixty-five.

25272. (*Dr. Dunlop.*) Is there any ruling or minute in which this information could be seen?—Not that I know of.

25273. Has the matter been raised?—Not since I have been secretary.

25274. Do you consider, from your experience in the office, that they should be retained after sixty-five?—I know one Commissioner who I believe is over that age, and I think he does his work as well as any of them.

25275. Let us take a man of seventy-four or seventy-five?—It all depends on the man; how can I talk generally on such a matter?

25276. Having regard to the evidence this morning in favour of the 65 rule, have you any opinion to give?—No, I have none.

25277. (*Mr. Burden.*) Referring to the licensing under the Idiots' Act, supposing a license were applied for for a new institution now, would it be granted?—How can I possibly answer that? It depends on all the circumstances of the case. Whether it would be entertained is another question.

25278. Could it be granted; may I put it that way?—I have already said that the law officers of the Crown have expressed the opinion that it could.

25279. (*Dr. Needham.*) I see you mention in your statement (*vide* page 7, col. 2) that Section 11 of 8 and 9 Victoria empowers the Commissioners to appoint two clerks, and so on, and that it was soon found that more clerks than four were needed, and that £400 a year was insufficient to pay them, and so on, and that "the increasing work of the Commission has from time to time required that the clerical staff should be increased, and the present staff is at present as follows." It is in reference to something you said in answer to Mr. Greene; on looking at the table which you have given I see there are seventeen clerks?—Yes.

25280. That means there has been a vast increase of late years in the number of clerks?—Yes.

25281. Because of the vast increase in the work of the office the last few years?—Yes. *A. H. Trevor, Esq.*

25282. I suppose even now these clerks are not redundant—there is quite enough work to occupy the whole of them through the whole of their working hours, working as efficiently as clerks ought to work?—I have quite satisfied myself on that. 15 Nov. 1906.

25283. You are quite sure that the staff is not larger than the requirements of the office?—Certainly.

25284. (*Mr. Byrne.*) The staff is settled in the same way as in any other Government office, by negotiation with the Treasury?—Yes.

25285. You have no complaint to make about that?—No.

25286. You have sufficient staff?—Yes.

25287. They are appointed in the ordinary way, as any other civil servants are, are they not?—Yes.

25288. Just a few questions about the office, and about the work coming specially before you. You heard Sir John Dorington say this morning that he was satisfied, on the whole, with the adequacy of the powers at present enjoyed by the Lunacy Commissioners, and their ability to carry out their duties. Do you as Secretary come across many cases in connection with the general correspondence of the office in which additional powers seem to be required?—Only as regards plans and estimates.

25289. What would be the nature of the additional powers desirable?—I think it would be very desirable to have a more effective criticism, and with regard to dealing with plans and estimates the present position is really almost one of absurdity, to expect either a medical or a legal Commissioner to criticise effectively the sort of plans and estimates and specifications involving the expenditure of half a million of money.

25290. But the additional power would be one in the nature of technical assistance rather than of further legal powers?—Certainly, I do not think further legal power is required.

25291. The Annual Report of the Commissioners contains, as we know, a very great deal of valuable information. Could you tell us whether in recent years or within the last fifteen years there have been any suggestions made as to desirable modifications in the Commissioners' powers or mode of procedure? Would it be possible to have them investigated in your office? Could you have a list of suggestions made?—I think you will find the chief suggestions deal with the inadequacy of the Commission in its present strength to deal with the work they have to get through.

25292. I remember a good many suggestions. It would be convenient if we could have all the reports searched for a complete list?—From what time?

25293. I should say since 1890—suggestions as to desirable modifications in the powers and procedure of the Commission?—I do not myself know any.

25294. They have referred more than once to their powers as regards the property of patients and other things; it would be convenient to have a list?—I do not know any suggestions they have made with regard to dealing with property.

25295. Your description of the work of the Commission shows that some of it has to be done by a board. Do you agree that there is nothing now that has to be done by a board that might not be done by an individual? Could you simplify the work, do you think?—I think so far as the boards orders it is not really essential in many cases that three Commissioners should be there.

25296. One person could do it?—A great many of the things that require that quorum could be done just as effectively without. I should not like to say that of all.

25297. But still a large amount of routine work could be done as it would be in a department not conducted in the way yours is by a single individual by a stroke of his pen?—Yes.

25298. I see you have to go through rather a cumbersome procedure before these meetings; you have to summon the Commissioners if you happen to know their addresses and so on?—I do not think I have put that.

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25299. "The Secretary shall give the Commissioners or such of them as are in England and have an address known to him" ?—But that is as provided by the Act of Parliament.

25300. Would you like to have all that got rid of ?—It does not do any harm or any good.

25301. Do you do it ?—No.

25302. It has all died out, I should think ?—For special meetings that would be done.

25303. With regard to the architect, supposing you had a gentleman to occupy that position permanently, would he be able to give you the necessary advice with regard to such matters as electric lighting, drainage, farm buildings, and so on, or would you require something more ?—I think it would be most desirable if he could. Whether you could get such a man for such a salary is another question.

25304. Could you get a man for any salary ?—It is a very big order, I quite agree.

25305. Have the Commissioners made up their minds definitely whether they would rather have one person as architect or whether they would have some money equal to or greater than the salary of that architect to be used by them for the employment of architects to be remunerated by fees ?—They have made up their minds that they would like an architect for this reason; they want to have a man always at hand whom they can always be sure of finding when plans require to be dealt with in detail

25306. Is it the view of the Commissioners that at present they cannot deal with specifications which affect the cost of asylums, and that an architect would be of great use in investigating the specifications ?—That is entirely the point, because the specifications are of enormous size and the Commissioners have neither the time nor knowledge to read through these specifications.

25307. A permanent architect attached to the staff would be always available for the examination of those things ?—Yes.

25308. As you have sixty or seventy cases a year it would be impossible for one architect to do it all, if he had to do the work of a quantity surveyor as well as an architect ?—I do not know, quite, what an architect can do.

25309. My object in asking these questions is to elicit whether you think that, even if you had an architect, there would be additional matters for which you would want outside assistance ?—Very likely.

25310. If you asked for an architect and the Commission said you should have one, then you might want something else ?—That might be so. That is not a reason against our having an architect.

25311. As regards the three things I mentioned—drainage, farm buildings, and electric lighting and power—you have several times felt that you would like to have had more power of summoning technical assistance ?—Yes.

25312. That is necessarily so with modern buildings ?—Yes, even farm buildings sometimes.

25313. Is there any considerable amount of routine work which has to be done in your office by the Commissioners, or under your supervision, which might be omitted without loss to the public ?—I should not like to say that. I am only speaking for myself in this instance. My view is that a number of the reports and certificates are examined by the Commissioners themselves at the office, might be examined by the Secretary. I do not know whether the Commissioners would agree.

25314. I was thinking of some more trifling things. The Commissioners have to report to the Lord Chancellor every six months how many miles they have travelled and how many people they have seen, there is no use whatever in that ?—I do not know that there is.

25315. Of course it must cause a lot of trouble to the clerks and so on ?—They do it themselves.

25316. It must cause a lot of trouble to them, and their time is much more valuable than that of the clerks. Is there anything to be gained by keeping up that ?—I do not think the Commissioners have ever complained of it.

25317. Perhaps they would not like to ?—I do not know whether they would or would not. I am informed that the mileage is not taken. I have not heard them complain of it.

25318. They do not make any suggestion about it ?—No.

25319. It wastes a good deal of Government paper ?—There might be a saving in that way. At one time the Commissioners were paid by mileage; that is not so now.

25320. As regards the copies of reception orders and certificates that come in, are there fifty or sixty of them per diem ?—A great deal more than that. I should think that on an average I myself see fifty, and those are only cases which have been marked by the clerk where there is something defective.

25321. Could you give us a statement of the amount of work done in your office which affects you and the Commissioners—I do not mean the mere routine work; for instance, how many reception orders and certificates there are, how many continuation orders, and so on ?—I tried to give it as far as I could find out from the office. I gave a good deal in my evidence.

25322. (*Dr. Needham.*) Was not a return made embodying these particulars to the fullest possible degree to two successive Lord Chancellors ?—That is so.

25323. Have you got that paper here ?—Yes, I might put that in. I will let you have a copy to-morrow.

The witness subsequently sent in the return above referred to, which is as follows:— See Q. 26458.

The following table shows the estimated number of the orders, certificates, etc., personally examined by Commissioners in 1902:

——	Total for year.	Average per diem.
Reception orders (including urgency)	23,800	76
Medical certificates - -	28,100	89
Medical statements - -	23,200	74
Month end reports - -	2,400	8
Continuation reports and certificates.	32,375	103
		350

The actual number of continuation reports and certificates was, in 1902, 50,870, but this included 23,119 quinquennial reports on patients admitted before 1890, one fifth only of which are included in the total, 32,375, given in the table.

Notice of the death of every certified patient and of many serious casualties is given to the Commissioners. The Medical Commissioner on duty takes charge of these matters, calling for any information he requires, such as reports by medical officers, case book entries, post-mortem notes, statements of witnesses, coroners' depositions, himself drafting any letters which require technical knowledge. The number of deaths of which notice was received in 1902 was 9,535, or an average of 30 per diem.

25324. (*Mr. Byrne.*) As regards the examination of reception orders and the documents accompanying them, they are examined, I suppose, by the permanent clerks in your office ?—In the first place.

25325. The bulk of them will be passed and will never go higher ?—No; they are all laid before the Commissioners, and those which are marked are laid before the Secretary; those involving any point on which correspondence is necessary.

25326. When you say "laid before the Commissioners" do you mean one of them or more than one of them examines the particulars of every lunatic in this country ?—I believe I am right in saying that they read through every single one.

25327. Do the Commissioners think there is any necessity for that—that is not a statutory requirement ?—I do not know. The whole of these documents are most important—what justifies the detention, which is a medical question.

25328. But that is not done even in the case of prisoners?—You must not compare lunatics with prisoners.

25329. As regards the liberty of the subject prisoners are very much more important?—It is a matter of opinion.

25330. There is no doubt about it. A prisoner may be kept in penal servitude for life. A lunatic, at any rate, has to be discharged as soon as he recovers sufficiently. A prisoner once committed for life is not discharged. The document committing a prisoner possibly for life wants as much care, or more, than a document committing a lunatic. I presume you do not think the Home Secretary looks at each warrant?—Possibly not.

25331. (*Dr. Needham.*) Is it the fact, or is it not the fact, that the question about which the Commissioners principally concern themselves is not the conformity of the document to legal requirements only, but especially the sufficiency of the facts indicating insanity?—Certainly.

25332. As to which clerks would not be competent to judge?—They might very easily not be; the facts on the certificate might be a thing on which the clerk's opinion would not be of any use whatever.

25333. Is it the case that, if the facts are not considered sufficient to justify the detention of the person, attention is drawn to that?—Yes.

25334. (*Mr. Byrne.*) So we may take it that the Commissioners deem it their duty to personally read these 100 or 200 documents every day?—I would not like to say that they are as many as that, but they do read them.

25335. I suppose the ordinary ones received every day are disposed of in a short time?—Yes.

25336. Are they dealt with day by day practically?—Yes.

25337. By the Commissioner on duty?—Yes.

25338. So the Commissioner on duty has to read at least 100 reception orders and certificates?—Yes.

25339. Are they prepared for him in any way? Does he actually read each one or does he merely read one to which attention is called?—They are all placed on the desk before him and he not only reads them but initials them.

25340. Are any on which questions arise separated from those on which no questions arise?—Yes, excepting matters which are purely medical, and they would be submitted probably to a medical Commissioner direct.

25341. A certificate with its accompanying documents is a very long thing now-a-days; it would cover many lines of writing?—A certain number of lines, not a very long thing.

25342. It would take a very quick and competent man two hours to read over 100 of these things, applying his mind to them?—I did not say 100 reception orders; continuation reports are much shorter.

25343. Still, they have to contain the reasons?—I think it is doubtful; there are a very great number of them. It is very doubtful how far the whole legislature instituted under Section 38 is really valuable.

25344. As being unnecessary, do you mean, or as being ineffectual?—As being unnecessary.

25345. Every patient, when he is received into an asylum, is received with his papers; they are examined in the asylum?—Yes.

25346. This is then a duplicate examination of the warrant for detention?—Of the copies.

25347. In pursuance of what Mr. Dickinson was asking this morning, do you think it is necessary?—I think it is very desirable that it should all be checked by a central office.

25348. Could you let us know how many cases are sent back for correction on an average?—I could tell you that as far as I personally am concerned. In a day there are something between ten and fifteen; the clerks have to mark everything that is deficient. I rule out a lot of them. My principle in the matter, on which I try to work, is that I never send them back unless the omission is something which effects the validity of the reception document.

25349. And knowing that behind you there will be the Commissioner who will read the facts observed?—He will not read what I have done.

25350. If you check one of these things the Commissioner will not see it?—Probably not.

25351. So that the amount of work the Commissioner does on these documents is rather less than I thought it was?—I do not know; there are a good number of them.

25352. You look at some of them and the Commissioner does the others?—Yes.

25353. (*Dr. Needham.*) What is the number of documents to which Mr. Byrne refers?—I do not know whether Mr. Byrne refers to reception orders.

25354. Mr. Byrne, I think, is understanding that you refer to the whole of the documents which are examined by the Commissioner, not only the reception documents?—I understood Mr. Byrne as referring also to continuation reports.

25355. (*Mr. Byrne.*) Most of my questions have done so.

25356. (*Dr. Needham.*) The continuation reports and certificates come to many more than one hundred a day?—Yes, I should think they did.

25357. And death statements?—Yes.

25358. (*Mr. Byrne.*) I presume notifications of deaths are not sent to the Commissioners?—Yes.

25359. With what object?—So that all the circumstances may be considered; it is by the Act of Parliament.

25360. An ordinary death?—Why should the Act of Parliament say that it is to be sent into the office to be pigeon-holed if it is not to be looked at by the Commissioner?

25361. There are many degrees between pigeon-holeing and being seen by the head of a department. I am one of the steps or degrees between a pigeon-hole and the Home Secretary. We receive many important documents at the Home Office, and very few of them to the Home Secretary?—You are perhaps engaged in much more important duties.

25362. Not at all; yours is as important. Why should these things go to the Commissioners? Not one out of ten discloses suspicious circumstances?

25363. (*Dr. Needham.*) Is it a fact that of the deaths which are examined a considerable number of the notices are sent back and inquiries are made in reference to them from asylums because either the cause of death is not satisfactory or the facts relating to it are not stated sufficiently explicitly?—That is so; also they very often disclose a condition of epidemic disease as to which inquiry has to be made.

25364. (*Mr. Byrne.*) But all those an official could do?—A medical official might.

25365. In our offices, both in the Reformatory Office and the Prison Department, a very subordinate clerk can do that sort of thing. I am merely asking for information. This discloses a very much heavier amount of work imposed on the Commissioners, and even on you, than we thought?—You may take it that mine does not take more than half an hour a day—the documents before me.

25366. Even to read 100 reception orders would take at least two minutes each?—I do not look at anything like 100.

25367. There are several hours on reception orders alone?—There are nothing like 100 put before me; they go to the Commissioners.

25368. Just one question, summing up; so far as you have seen the work of the office, do you think that everything that is done in that way should properly be so done; you would not recommend improvements in procedure?—I am trying to recommend improvements every day of my life. Nothing is ever as good as it could be.

25369. The secretary to the Commission is a high statutory officer and he has very great experience in all these things. The decision of the Board or of individual Commissioners on cases coming before them are known to him day by day: surely he would be competent to do a great deal of this work if he had time?—That is a question on which I, being secretary, would not care to express an opinion; I may have one.

25370. But we value your opinion?—Well, I think I could do it.

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25371. We are quite sure you could?—I mean I could easily do it, reserving any point which I did not know for the Commissioners.

25372. (*Dr. Dunlop.*) The rules issued by the Lunacy Commissioners are statutory, are they not?—Yes.

25373. Do they apply inside workhouses as well as asylums and hospitals?—Where workhouses are mentioned.

25374. Only where workhouses are mentioned and not as a general system?—I think a workhouse would have to be specifically mentioned.

25375. And all the requirements that are named in these rules are carried out?—They do not really apply to workhouses so much as they do to other institutions.

25376. Are there other rules for workhouses?—Except as regards mechanical restraint I think those are the only rules the Commissioners have in workhouses.

25377. The one against mechanical restraint is not included in these statutory rules?—No.

25378. Is it issued separately?—Yes.

25379. Could we get a copy of these regulations for workhouses?—There are no regulations for workhouses; the workhouses are under the Local Government Board. I am informed what happened was this: the Lunacy Commissioners made this regulation as to mechanical restraint, and a copy of the regulation was sent to the Local Government Board, who distributed it to the workhouses.

25380. Independently of that regulation for mechanical restraint, there is no rule issued by the Lunacy Commission which applies to the management or treatment of a lunatic in the workhouse?—So far as I am aware, none.

25381. You would know it?—I think I should.

25382. (*Chairman.*) What is the total cost of the Lunacy Commission?—This is an account of the sum expended last year; it is an exact copy of the Appropriation Account for 1904–1905. (*Table was handed in and is as follows.*)

LUNACY COMMISSION, ENGLAND.

ACCOUNT OF THE SUM EXPENDED, COMPARED WITH THE SUM GRANTED. YEAR ENDED 31ST MARCH, 1905.

Service.	Grant.	Expenditure.	Expenditure compared with Grant.	
			Less than Granted.	More than Granted.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
A.—Salaries and wages - -	14,635 0 0	14,340 7 1	294 12 11	—
B.—Travelling - - - -	1,650 0 0	1,398 19 7	251 0 5	—
C.—Incidental expenses - -	86 0 0	48 7 8	37 12 4	—
Gross total - - -	16,371 0 0	15,787 14 4	583 5 8	—
			Surplus of gross estimate over expenditure.	
			£583 5 8	
Deduct—	Estimated.	Realised.	Deficiency of appropriations in aid realised.	
D.—Appropriations in aid (cash paid for licences) - -	1,112 0 0	1,035 5 0	£76 15 0 Net surplus to be surrendered.	
Net total - - -	15,259 0 0	14,752 9 4	£506 10 8	

25383. (*Dr. Needham.*) There is nothing in the Lunacy Act, is there, to prevent an application being made to the Commissioners for the applicant to establish an institution for the care and treatment of idiots?—No.

25384. If so applied to, the Commissioners would, I suppose, consider all the facts of the case, and the accommodation which is intended to be provided, and would register or not register as they think proper?—I suppose so.

25385. There is no reason why a new idiot asylum should not be established at any moment on proper application?—It is a question, of course, how far it is desirable, the idea having prevailed for so long that fresh licensed houses were not desirable.

25386. I am talking about institutions for idiots. I am not talking about licensed houses. There is nothing, is there, to prevent an application being made to the Commissioners to register a certain place as an institution for idiots and that registration being effected and an idiot institution started?—Nothing.

25387. (*Chairman.*) Is there anything you would like to add?—I think not.

*The Right Hon. Sir JOHN DORINGTON, called; and Examined.

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25388. (*Chairman.*) You were a Member of Parliament for a considerable number of years and I think took considerable part in the consideration of certain Lunacy Bills, which have become Acts, which have been from time to time before Parliament?—That is so.

25389. Would you be so kind as to tell us how long you have been a Commissioner in Lunacy?—In 1892 the Lord Chancellor asked me to become an Honorary Commissioner and I assented.

25390. You have seen, of course, the statements which the Commissioners in general have given us of their evidence?—Yes.

25391. You agree with them?—Generally, yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY THE COMMISSIONERS IN LUNACY.

CONSTITUTION OF THE LUNACY COMMISSION.

The Commissioners think that any fundamental change in the constitution of their body is not desirable, but that

* The evidence of Sir John Dorington was given *before* that of Mr. Trevor, but for the purposes of the Commission it was found more convenient to print it *after* Mr. Trevor's evidence.

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its efficiency would be best promoted by preserving its essential features and introducing certain modifications necessary to enable it to perform its vastly increased duties present and prospective. They would accordingly most strongly deprecate the substitution for the Commission as it now exists, of a small board confining itself to office duties and relying on the reports of subordinate inspectors for its information as to the institutions and patients under its jurisdiction. They concur entirely with the views expressed on this point by Lord Shaftesbury in his evidence before the Select Committee on Lunacy Law in 1877, and think that it would be a fatal mistake for the Board to be deprived of the advantage which it now possesses by its members acquiring by frequent visitation first-hand knowledge with regard to the matters which come before it, The Visiting Commissioners, too, can speak with more weight at their visits as actual members of the Board, not mere subordinates.

Question 11592 set out in the secretary's evidence.

At the same time it is recognised that any large increase in the number of Commissioners would be injurious to their efficiency for the reason given by Lord Shaftesbury, that there would be danger of the Board's time being often wasted in fruitless discussion. What is required is a board numerous enough to allow of its members visiting with sufficient frequency to keep up their personal knowledge of the matters with which they have to deal as a board, yet leaving always available three at least to form a quorum at the weekly meetings. It should be borne in mind that for some time past it has not been found possible to fill up the vacancies among the honorary Commissioners, of whom there should be five, but are at present only two, who are unable to attend the meetings with regularity. It is therefore only the paid Commissioners upon whom reliance can be placed for carrying on those office duties which can only be discharged by the Commissioners personally.

The Board think that six Commissioners are not sufficient for the purposes aforesaid, and would suggest that the number should be increased to eight, but that this should be regarded as the maximum, and that any further addition to their visiting strength which may be necessary should be provided by means of assistant Commissioners. They believe that eight Commissioners would be able to cope with the existing work of the Commission if the obligation now imposed on them to visit in pairs were relaxed as hereinafter proposed.

If, however, additional duties are to be imposed on them in relation to incipient insanity, mental defectives, and boarded-out patients, a further strengthening of the Commission will be necessary. The Commissioners have no information as to the amount of additional work which would be thrown upon them in connection with these matters, but it would no doubt be very considerable, not only in respect of visitation, but also, especially at first, in the passing of plans, framing of regulations, and other office work. They would suggest, therefore, that in this event assistant Commissioners, not members of the Board, should be appointed to relieve the Commissioners of a portion of the visitation duty.

The paid members of the Board at present consist of medical and legal Commissioners in equal proportions. The Board are convinced of the value of the services performed by the legal Commissioners and would much regret their abolition or a diminution of their number. They would not, however, press for an increase in their number, but would be content that the two additional Commissioners for whom they ask, and the assistant Commissioners, should be exclusively of the medical profession.

The Commissioners think that such assistant Commissioners should not have appropriated to them any particular branch of visitation, *e.g.*, workhouses, single patients, or boarded-out patients, nor be confined to particular districts; but that they should be subject to the control of the Board, and discharge such duties in regard to visitation as the Board may from time to time assign to them.

The visit of an assistant Commissioner should be for legal purposes equivalent to the visit of a Commissioner.

The Commissioners are of opinion that it would be desirable that they (the Commissioners) should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size. The advantage of the power to visit singly would be found especially in the case of the smaller institutions, and in emergencies, as when one of the visiting Commissioners is taken ill or is called away suddenly.

The above recommendations may be summed up as follows:—

1. Two additional Commissioners to be appointed who may both be medical practitioners. No other change to be made in the Board.

2. Assistant Commissioners (medical) to be appointed in such number as may be required in view of the increased duties that may be imposed on the Commission.

3. In all cases where visits are now required to be paid by two or more Commissioners, a visit by one or more to be sufficient.

4. Assistant Commissioners to be able to visit in the place of Commissioners as and when directed to do so by the Board, to be attached to the London office, not to any local district.

Finally, in order to promote efficiency and economy in the building of asylums, the Commissioners regard it as essential that an addition should be made to their ordinary staff by the appointment of a salaried architect, who should devote his whole time to the duties of his office.

25392. (*Mr. Byrne.*) The Lunacy Commissioners are partly an independent body having a final authority in certain portions of their duties?—Yes.

25393. And in some respects they are subject to the direction of the Lord Chancellor?—I should say wholly.

25394. Or the Secretary of State, or sometimes either of them?—Yes.

25395. Do you think the existing laws are satisfactory in that respect?—I think, so far as the Commissioners are concerned, the laws are satisfactory, except that the *personnel* of the Commission is not adequate for the increased duties they have now to perform.

25396. But as regards the extent of their jurisdiction they are content at present with the state of affairs?—Yes, I think so.

25397. They do not wish to have their independent authority extended or diminished?—I would not speak on behalf of the Commission to that extent, but I should say myself that their powers are sufficient.

25398. Does any practical difficulty, delay, or trouble arise from the fact that in some respects their authority is not final?—No, I think not.

25399. You personally would prefer to leave things as they are?—So far as our jurisdiction is concerned.

25400. Do any inconveniences arise from the somewhat old-fashioned regulations with regard to meetings of the Commissioners sitting as a board for certain business?—Yes, I think so.

25401. Would you like to see that swept away?—I do not want to sweep them away. They are to appoint a chairman, who is not to be one of the paid Commissioners, and if he is not present those Commissioners who are present at the meeting elect a chairman for the day who may be one of the paid Commissioners. I think they should have a permanent chairman. It is not adequately provided for by the existing arrangements of honorary Commissioners.

25402. That would bring them more into analogy with other existing departments, say the Prison Commission and every other Commission?—Yes.

25403. You would like to see that?—Yes.

25404. That would add to your efficiency?—That would add to our efficiency—a permanent chairman upon the Board.

25405. I notice that the Commissioners, or five of them, have at certain quarterly meetings to grant licences to private asylums—private houses. Surely that is quite unnecessary, is it not? They are merely renewing an existing licence?—Those renewals when they come up sometimes require discussion and sometimes, although most of them are formal, the attendance of the licensees is required for explanations. I think it is desirable that the Board should have a full quorum on those occasions.

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25406. They sit in a judicial capacity ?—Yes.

25407. Like the Committee of the London County Council granting dancing licences, they have the persons concerned before them ?—Yes.

25408. How often ?—I have had experience on several occasions, and I have been sitting as chairman when we have had the persons before us.

25409. Once a year would it happen ?—Oftener than that.

25410. Could it not be done in writing ? At present to have five Commissioners in Lunacy for business like that, which is usually trivial, must take them away from more important work, must it not ?—Yes, no doubt it does, but you have to consider that this question of licensing affects very important interests.

25411. Yes, but in other departments licensing is done by one person with a stroke of his pen, having full information before him in writing. The Home Secretary licenses inebriate institutions; they are done by an inspector or other officer reporting on the institution, its working during the year, the character of the proprietor, the caretakers, inmates, and so on. They are just licensed by a stroke of the pen. Could not the Lunacy Commissioners do that ?—They could, but I do not think it is desirable.

25412. It should be a formal body sitting for the purpose ?—It should be a formal body sitting for the purpose.

25413. Is there any other business for which the Commissioners have to meet as a board which you think might be simplified ?—There has to be a quorum of three on all occasions; it is hardly a board unless there are three persons.

25414. If there were a chairman, would you like to retain a quorum of three ?—No, I think if there were a permanent chairman you might say that two sitting together would be sufficient.

25415. The chairman and another ?—The chairman and another.

25416. So the mere fact of making a permanent chairman would in many important respects increase the efficiency of the Commission by giving them greater freedom ?—It would preserve a continuity of practice. The Board now consists sometimes of certain men and sometimes of other men, but if there were a permanent chairman then there would be a continuity of principle in the Board.

25417. Surely there is that continuity now, is there not ?—Yes, but not to the extent which is desirable, I think.

25418. How does that shew itself practically ? Could you give us any instances ?—Every now and then our attention has been drawn to a conclusion at which a board is proposing to arrive which is in contradiction to conclusions arrived at on some other occasion, If they had had a permanent chairman the probability is that that would not have arisen.

25419. That happens in other Government Departments. It is the duty of the clerks to remind the Head of previous decisions, so continuity is now secured by a very simple process. Would not that be possible in regard to the Lunacy Commissioners' work ?—It should be; but I go back to what I said before, I think it is desirable that there should be a permanent chairman to ensure continuity of practice.

25420. Are the Commissioners, roughly speaking, practically unanimous in their views and their ideas of the method which should be adopted in respect of almost the whole of their work ?—Generally.

25421. Are there any currents of opinion which make in different directions ?—It is rather in small details with regard to what is best to be done in asylums. An order has been given which is to be followed out in all institutions. Then a change of ideas comes before the Board and somebody sees that there is a difficulty in the previous order and they want to amend it or to alter it. Then attention is drawn to the fact that we have given an order precisely the contrary to what we wish to order now. But those are only small matters; on general matters of principle I do not think there is any disagreement at all.

25422. Is the examination of orders and certificates and criticisms with a view of having them amended if necessary a matter for the Board or a matter for the Commissioners at the office ?—For the Commissioners at the office.

25423. Such a thing would rarely come before the Board ?—I do not think I have known of a case with regard to a certificate being in order or not so coming before the Board although they are carefully examined when they come in, and I have had no difficulty in getting any certificate I wanted to see in a few minutes and finding that in order. I wanted something last week and I got the particulars directly.

25424. As regards the jurisdiction of the Commissioners with respect to institutions, do you think the Commissioners have adequate authority over asylum authorities, say ?—I think they have sufficient authority. I think the administration by the Visitors of the asylums in general is very satisfactory and I would not check their sense of responsibility by giving greater powers to the Commissioners. At the present time the powers are largely advisory and they are received very kindly indeed. I do not think I should like to make them masters. If you made them masters of the situation the authority of the Visitors would disappear and they would cease to pay the attention which they now do to their institutions and become slack. I should leave them with the whole responsibility subject to the present powers of the Commissioners to advise them and to advise them pretty strongly if they like.

25425. A Visitor cannot help noticing that the powers of the Commissioners extend to some things and do not extend to others of almost a similar nature. The Commissioners have powers to advise on the plans of alterations of an asylum and drainage and so on and yet they have no powers to deal with dietaries or with the number of the staff. The staff is entirely beyond their jurisdiction, is it not ?—I think it is. They constantly make this observation: "We notice that the staff in this institution is very permanent and few changes have taken place; we regard that as satisfactory;" or the other way: "We regard the changes of staff as being much too frequent and we think in certain wards the attendance is inadequate." That is the sort of statement given to the Committee of Visitors and the Committee of visitors generally consider them and take notice of them. It strengthens the hands of the Visitors as regards medical superintendents; sometimes the medical superintendents may be in fault and sometimes the Visitors may be in fault, but the responsibility lies within the walls of that institution, and if the Commissioners took the whole responsibility I think it would not be so satisfactory.

25426. As a matter of fact they can get their wishes observed by throwing their weight on the side they think is right ?—Yes.

25427. You would not care to see that changed ?—No.

25428. Would you apply that to the dietary as well as the staff ?—Yes, I would apply it to the dietary too.

25429. As regards the county asylums there is no point on which you would like to see the powers of the Commissioners strengthened ?—No.

25430. Would you like them strengthened in the matter of provision of asylum accommodation ?—Surely that clause is sufficient.

25431. The clause under which they can report to the Secretary of State that accommodation is not provided and the Secretary of State can take steps ?—Yes.

25432. That clause has been of very little use, has it not ?—Because the authorities have generally kept up to the requirements.

25433. After a long delay which has amounted to a serious evil ?—No, I should not say a serious evil, because at a somewhat greater expense the asylum authorities can always provide accommodation for their lunatics elsewhere.

25434. That is a particular evil to the ratepayers of that particular county, is it not ? Londoners are not particularly happy at having to pay anything from 15s. to 25s. a week for a large number of their lunatics who are boarded in other counties ?—There is another view possible with regard to that, in that the delay has taken place owing to regard for the ratepayers and

to the alarming increase of the necessary provision for the lunatics with which they cannot keep pace.

25435. Even though the motive is excellent the evil may exist?—Yes; but I do not think you will cure it by a more summary method.

25436. Do you think the advisory powers of the Commissioners are sufficient in the matter of securing provision of asylums for different types of drunkards and for classification of the general asylums—are they entirely sufficient?—No, they are not sufficient. For instance, only last year we and certain other counties, with the full assent of the Commissioners, arranged to provide tentatively an asylum for children, and that broke down on a legal point, that we could not raise the money in accordance with the provisions of the Acts. I forget exactly the precise legal difficulty. A great deal of trouble had been taken, but the scheme broke down at the last moment simply on account of the legal difficulty that we could not contribute. I think one county might have set up the asylum and we might all have contributed, but that was not the intention; the intention was that all the Committees of Visitors of the several asylums should be joint owners of the building and should jointly raise the loan. That we had no power to do.

25437. That is lack of power in the local authority rather than in the Commissioners?—That is lack of power in the local authority; or you may say in the Lunacy Act generally.

25438. The Lunacy Commissioners have referred to that matter in their report; the desirability of classification?—Yes.

25439. I rather inferred that they seemed to think further powers should be required, or at any rate a more direct duty imposed on them to attend to this matter—to press it on the local authorities. Have I put your view correctly?—No, there I think you clash with what I said before, that I would not increase the direct powers of the Commissioners over the local authorities; their powers had better be advisory than mandatory.

25440. Come to the matter of fact. Are such powers as they have exercised to their own satisfaction in that matter? Are the Lunacy Commissioners content with the present state of things, with the extent to which, having regard to both efficiency and economy, asylums are distinguished from each other and the patients are classified?—As an honorary Commissioner I think I would rather not express an opinion upon that point.

25441. It is a matter of importance?—It is a matter of importance, certainly.

25442. With regard to the other classes of institutions for lunatics, the hospitals and licensed houses, do the Commissioners find any lack in their power?—I think I would give them more power over the hospitals.

25443. In what respect are they deficient?—In the power of direction, I think.

25444. Are there unsuitable places in existence?—No, I think not.

25445. The regulations, for instance, cannot be altered by the Lunacy Commissioners for the hospitals?—Not adequately, I think.

25446. You would like the clause carried which has been inserted in the Lunacy Bill recently introduced?—Yes.

25447. As regards their authority over these places, when once erected, in the matters of dietary, staff, treatment, and so on, do you think their powers are sufficient?—That comes under the Board's regulation. I think their powers with regard to hospitals want strengthening.

25448. Not to any extent in other matters?—No.

25449. (*Mr. Greene.*) How many Commissioners are there?—Six paid and nominally five honorary Commissioners, of whom only two exist now.

25450. How long has there been a vacancy of three unpaid Commissioners?—Sir Charles Bagot died the other day. We were three up to then. He was one of the paid Commissioners. On his resigning he was made honorary Commissioner, and that made three. I do not think there have ever been five in my time.

25451. Are you aware that there were not five, even in 1887, when the Commission was appointed?—No, I did not know that.

25452. When you went there in 1892 how many did you find?—I think there were three then; I would not state positively.

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25453. Do they attend?—No, I should be inclined to say that they do not attend except where they have been paid Commissioners before; then their attendance has been very regular.

25454. That is the case of Sir Charles Bagot?—Yes.

25455. But he is the only one, is he not?—No, there were others before.

25456. Then there is yourself; are you the chairman?—No.

25457. Does the chairman attend at all?—Occasionally.

25458. Once a year, or once in six months?—It may be once a year perhaps.

25459. The law provides for there being five unpaid Commissioners?—Yes.

25460. Does it occur to you that if they can find people to fill the office of five unpaid Commissioners the staff would be sufficiently strengthened without any addition of paid Commissioners?—No, I think not, unless the unpaid Commissioners were to take absolutely the duty of the paid Commissioners of travelling the country like judges of Assize.

25461. Lord Shaftesbury, even as chairman, used to visit?—Yes, he created the Lunacy Commission practically; and taught them how to do the work.

25462. You do not think you could get unpaid Commissioners to do the work?—No.

25463. Could you get them to attend boards in London?—No, not generally. Take my own case. I believe I have been to a certain extent a little bit useful, particularly when they want to make a quorum. What with one's duties as Member of Parliament and one's duties in the county, as county chairman, one's time is pretty fully occupied. Wednesday is very frequently occupied and I cannot attend. All this last summer I have been on a Royal Commission which met every Wednesday. It was impossible for me to be there and at the Commission at the same time.

25464. Is it not rather a case against the existence of unpaid Commissioners?—I agree with you entirely.

25465. You would suggest their abolition?—Yes, or disappearance.

25466. You said something about a permanent chairman. There is a provision in the Statute, is there not, for the election of a permanent chairman?—Yes, from the honorary Commissioners.

25467. Do you mean a paid chairman or a permanent chairman, because the permanent chairman is provided for by the Act?—Yes, and he exists.

25468. The chairman you describe as permanent is to receive a salary?—Yes.

25469. He would be not only permanent, but a permanent paid chairman?—Yes, there should be a paid chairman of the board.

25470. That would be making seven paid Commissioners?—I ventured to make the suggestion that the Masters in Lunacy with their Visitors, and the Commissioners, should all be amalgamated into one board and that one of the Masters in Lunacy should be the chairman of this board. You would then get your paid chairman at no increase of expense. You would have the two departments brought in connection with one another, and I think myself that the distinction between them is a very inconvenient one for administration; you get constant crossing between the two. One body is supposed to look after property and the other after the mental condition.

25471. I think there are two Masters and three Visitors in Chancery?—Yes.

25472. That would add five more to this existing body, which would consist then of six paid Commissioners, and you would get rid of the chairman you were suggesting just now?—You would get more than that. Supposing the visitors took up the same duties that the Commissioners in Lunacy perform now, that would be six and three. One of these is a legal gentleman. There is rather a tendency in the public mind to prefer the medical man, on which I should like to say something

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presently. To begin with, you might amalgamate those three with the Commissioners, and you might drop the legal member when there was a vacancy, and then you would have eight Commissioners capable of visiting. I am inclined to think that eight Commissioners capable of visiting would be able to do the existing work of the Lunacy Commissioners, and also that of the Chancery Visitors. For instance, there are 685 Chancery patients we visit now, of whom 300 are visited also by the Commissioners in Lunacy in their ordinary progress round the country. That only leaves 385 visits to be specially paid by the three Visitors in Lunacy.

25473. You have not dealt with the Masters in Lunacy in that suggestion ?—One of the Masters in Lunacy should, I think, be the chairman of the Board. I am inclined to think the Masters in Lunacy, from what I have been told, have on the whole sufficient to do—they are fairly occupied. I do not think myself that the Visitors are ; they have only 685 patients altogether to see.

25474. What would you do with the two Masters. One should be the Chairman of the amalgamated Board ?—The legal duties which are now performed by the Masters in Lunacy would still be performed by them *plus* the duty of one of them being the Chairman of the Board. One might be chairman, the other deputy.

25475. Perhaps you are aware that this very proposal was submitted to and considered by a Committee appointed by the Lord Chancellor in 1882 in which he submitted to very eminent men the desirability of maintaining the present system of visiting Chancery patients or to transfer the duty now performed by the Lord Chancellor's Visitors to the Lunacy Commissioners and the desirability of making an alteration in the practice and procedure of the Masters and Registrars in Lunacy so as to secure efficiency and economy. They reported rather against your suggestion ?—I disagree. I was quite aware of that. We have to consider that the present six Commissioners are wholly incapable of properly performing their duty ; they are overburdened and they cannot get over the ground. Therefore, there must be some addition to the Commissioners in Lunacy and I am suggesting an economical way of doing it.

25476. I wished to draw attention to the fact that the same suggestion has been considered and discouraged once. I was rather wondering whether you had also considered the possibility of transferring the Commission—letting them be swallowed up by the Chancery side. You want to swallow up the Chancery side by the Lunacy Commission. Now I want to see whether the Chancery side could swallow up the Commission ?—I do not object to that ; the direction in which the amalgamation took place would be quite a matter of indifference.

25477. With reference to the Commissioners, the appointment of the Commissioners rests entirely with the Lord Chancellor ?—Yes.

25478. Is there any age limit for retirement or any period of service which involves vacation of office ?—I do not know that there is.

25479. So that the offices may be continued long after the Commissioners have passed their prime ?—Physically considered the difficulties of carrying out the Commissioners' work are so great that when a man gets past it he is bound to go ; two Commissioners have to travel together, the legal and the medical, and if either of them fails the other is hung up and cannot go further ; therefore the moral pressure in the Commission is such that if you are not fit to go on you must resign. I think he would go.

25480. Travelling about takes a considerable part of their time ?—An immense part of their time.

25481. You say they are obliged to travel together, and they are hung up if one is ill. Is that entirely so ? Is not there power on the part of the Lord Chancellor to appoint a substitute in the case of illness of anyone ?—Yes, I think there is such power, but it is extremely difficult to exercise it. It can be exercised if there is long continued illness, but supposing a gentleman falls ill on his circuit, the other gentleman can do nothing.

25482. The Secretary of the Commission may always be appointed a Commissioner, he is qualified to act is not he ; he may be made into a Commissioner ?—I suppose he may be made into a Commissioner, but what becomes of the business of the office ?

25483. Could not he be appointed temporarily by the Lord Chancellor to fill up a temporary vacancy ?—I think he could be legally, but I do not think you realise the amount of work that has to be done in the office.

25484. Will you tell me where you find that the two must invariably go together ? The words of the statute are that two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least each year visit each asylum. When they require the visitation to be together as in the case of justices the words are different ; the words are " at least two members of the Visiting Committee shall together once in each year visit." Is there a word in any section which requires the act to be conjoint ?—I have always understood so, and I think that is the view of the Commissioners.

25485. It has been the practice, I quite admit ?—Yes. " Two or more Commissioners, of whom one shall be a medical practitioner and one a barrister, shall once at least in each year visit every asylum."

25486. When they are to act together, Section 188 says : " At least two members of the Visiting Committee shall together once at least in every two months inspect " so the statute pointedly says when they are to act together ; it does not assert they must act together in section 187 ?—All I can say is that that has not been the view of the Commissioners. They would not consider they were exercising their statutory duty if they were to act alone. If you look at the last subsection of that section you will see that when the Commissioners are not paying the statutory visit one can exercise the same powers.

25487. " Any one or more of the Commissioners may at any time visit any asylum with the like powers as are by this section given to one or more Commissioners." Does not that mean that one may do it just the same ?—No, by the statute they are directed to visit once at least in each year.

25488. This is limited in subsection 2 to visiting an asylum ?—Quite so, but every year two Commissioners must visit the asylum to exercise certain statutory duties, but they may pay another visit at any time they please, only one of them going.

25489. That is your interpretation of it ?—Yes.

25490. Is there any section of the Act to which you can refer me which deals further with the visitation made by the Commissioners except to asylums ; they visit licensed houses do they not ?

25491. (*Dr. Needham.*) Section 190.

25492. (*Mr. Greene.*) That says : " Every hospital and licensed house may at any time by day or night be visited by any one or more of the Commissioners." That does not require two to go ?—That is at any time, but in sub-section 4 it says : " Every hospital shall be visited once a year by not less than two Commissioners," that is the statutory visit ; they may visit at any time with one Commissioner ; the statutory visit is to be by two Commissioners.

25493. " Twice by one or more of the Commissioners ; " it is based on the interpretation of the section ?—Yes.

25494. I see in the statement which has been given from your Commission that you suggest that in all cases where visits are now required to be paid by two or more of the Commissioners a visit by one or more shall be sufficient ?—Yes.

25495. Would not that alone almost double the opportunities of each Commissioner, without having to add to the number ?—It would be a great relief, no doubt, but in visiting very large asylums it would hardly shorten the time required because one Commissioner will take twice as long to do the work as two Commissioners.

25496. The recommendation you have made is that in all cases where visits are now required to be paid by two or more Commissioners a visit by one or more shall be sufficient ?—That is a very good recommendation and it would ease the work very much indeed, but with regard to large asylums, the county asylums, it would not diminish the time occupied ; that is to say, one Commissioner would take twice as long to do the work as the two Commissioners now. With regard to small asylums it would materially lessen the work.

25497. There is no reason why the Commissioners should not by regulation of their own allow two to visit larger asylums and one in the case of the smaller?—Yes, but this is an argument as to what would be sufficient in the opinion of the Commissioners. If you look at the amount of work which has now to be done as compared with what used to be done when the Commission was first appointed you will see the enormous growth and see how unreasonable it is to suppose that six men can do efficiently what six men were formerly required to do efficiently. Have you had the figures?

25498. No, we have not at present?—I should like to give you the figures. This is a paper prepared for me a year ago. I have brought the figures up to date. In 1883 they had to visit about 25,000. On the 1st January 1904, they had risen to 117,004. Since 1883 the increase has been from 77,000 to the last named number, while the county and borough asylums have gone up in number from sixty-two to ninety-one, and six more are in course of construction. Think of the enormous addition to the work from the county and borough asylums rising from sixty-two to ninety-one, each of them taking about two days to inspect.

25499. If the number of the Commission was suitable at first, that possibly seems to be a good reason for its not being adequate now, or else it looks as if they had not then sufficient to occupy their time, although we find that in 1859 and 1877 they were asking for additions?—In the early days they had the assistance of Lord Shaftesbury, who was as good as a paid Commissioner; that they have lost.

25500. With reference to visitation why should there be any addition to the staff of the Commissioners at all; why should it not be done by inspectors or sub-Commissioners?—That is possible, but there, authority comes in; at the present time the Commissioners go down with all the authority of the Commission; when they go down by their representative they have not got the same authority, they come in contact, not with a very inferior, but with a very superior and highly-paid class of officials.

25501. Why should it not be a superior class of inspectors? We have inspectors under the Education Act who are supposed to be men more or less educated?—I think you would hardly trust them to regulate institutions of such a size.

25502. No, but to report and inspect?—Report and inspection would not be regarded as being so important as at present. This is a question purely of opinion. I think you would lose immensely in efficiency from being represented by inspectors. Take the prison inspectors. The Prison Department manages the prisons and has inspectors going round; only last week a very important case occurred in one of the county prisons in which I was a visitor, and we had one of the inspectors down to be present at our proceedings, but he had no authority of any kind at all, and our proceedings had to be reported to the Commissioners in London for sanction.

25503. That is not at all the sort of official I am suggesting. I was suggesting that instead of adding to the number of Commissioners it would be quite possible for them to employ suitable persons to act as inspectors for them just as inspectors are appointed under the Education Board to visit schools all over the country; the authority is the education authority, the central body. Why should not the Lunacy Commissioners be the central authority and have duly qualified inspectors to visit where necessary?—In the earlier part of my evidence I said that their duties were advisory rather than mandatory.

25504. That gives them so many more eyes, you see?—Yes, it gives them so many more eyes, but I think they lose in authority. It is purely a matter of opinion. I think a moderate addition to the Commissioners would be better than inspectors. Some of their duties might be done by inspectors.

25505. I am not suggesting all the duties. Certainly some of them might be adequately discharged by people with smaller salaries, and who could be subordinate to the Commissioners?—I would not say you must not have any sub-inspectors. I should be sorry to see the authority of the Commissioners lessened by intervening too many persons between what they have to govern and the governing body.

25506. That would be so if the Board were not allowed to inspect, if they chose, themselves?—I think it is possible, but I should deprecate any great extension of delegated inspection to the derogation of the inspection by the Commissioners themselves.

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25507. Do you see any objection on principle to the inspection of the persons confined in asylums and licensed houses by a person who has got the authority without being a Commissioner, a subordinate or a deputy; would that be objectionable?—In the licensed houses; no, I think they might do very well there.

25508. Then as regards the asylums, would the inspection of the patients be objectionable on the ground that the person who sees them is not a fully qualified Commissioner?—I do not think it would add to the efficiency of the arrangements at the present moment in county asylums. I think the patients are all seen every month certainly, if not oftener, by the Visitors of the asylum, and they are all persons independent of the superintendent, and to some extent capable of judging cases. I do not think you want an inspector there. I think you want the Commissioners themselves in the big asylums.

25509. In the big asylum they will visit by the regular Visitors, but you think it should be a Commissioner and not an inspector?—Yes.

25510. With the same frequency as at present?—It is only once a year.

25511. In the statement of the evidence which is put forward for the Commissioners I observe they say that they think the Commissioners should be increased to eight and that is to be the maximum; have you put before your colleagues the suggestions you have made here to-day about the amalgamation of the two offices?—I have talked it over, but it was not talked over with reference to the preparation of this paper. You can put the question to them. You asked me whether I wanted to absorb the Chancery Visitors in the Lunacy Commission, or the other way. I think it is a matter of entire indifference. I think you might very well abolish the Commissioners in Lunacy and found your new body on the Masters. There is no objection to doing it in that way. You would arrive at the same result. I think you want eight Visitors.

25512. But in the one case you will bring the lunacy body nearer to the Lord Chancellor, the legal department, and in the other way you will have it quite independent?—No, the Lunacy Commissioners are all appointed by the Lord Chancellor.

25513. But they are not so directly under the Lunacy judge as the Chancery Visitors and Masters?—The more you get them under the Lunacy judge the better; it would clear a legal difficulty, I think.

25514. Therefore the better plan would be to let the Chancery absorb the Commission?—Yes.

25515. You say in this statement that "if additional duties are to be imposed upon the Commissioners in relation to incipient insanity, mental defectives and boarded-out patients, a further strengthening of the Commission will be necessary." You then suggest the appointment of Assistant Commissioners. Have you thought out at all what terms should be made with reference to the appointment of Commissioners and by whom it should be done?—I imagine the Lord Chancellor would appoint them.

25516. Are those who are contemplated by this report to be subordinate in any way to the principal Commissioners?—They would be subordinate to the principal Commissioners.

25517. They would be in relation to what I call inspectors, but they would be subordinate officials to do the inspection?—Yes, under certain circumstances. The Commissioners think that such Assistant Commissioners should not have appropriated to them any particular branch of visitation, but they should be subject to the control of the Board; that is to say, they would act as the Board directed, the Board being the Commissioners.

25518. Are they to be appointed in addition to the increase to eight which you recommend in the previous paragraph?—Yes, that is the idea. Now and then a case arises which requires the instant visit of a Commissioner, disturbing all arrangements that have been made.

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25519. You would make the visit of the Assistant Commissioner equivalent to the visit of a Commissioner ? —For that purpose.

25520. Why should you not appoint Assistant Commissioners instead of increasing the number to eight ?—Because I think eight Commissioners are required for the purpose of the higher duties.

25521. Which would include visitation and inspection ? —It would include inspection.

25522. I observe your recommendation is that the two additional Commissioners should be medical practitioners. Can you tell me whether the legal section of your body has concurred in that view ?—I think they concur.

25523. Are they passive resisters to the proposal that it should be all medical and very little legal ?—The Scotch view is that it should be nobody but medical men. My own private view is that the legal men are extremely useful, and the questions that arise are generally more legal than medical.

25524. Would it be possible to readjust the duties in such a way that the inspection should be left to the medical men and the questions, so many of which involve law, should be dealt with by the legal man ?—On the contrary ; I think if you divide the duties inspection had better be left to the legal man and the medical men called in when required. I think the legal questions which arise are more common than the medical questions.

25525. Which arise on visitation ?—Yes, on visitation ; patients want to talk about their property and why they are detained.

25526. Have you any department which has to deal in any way with the property of people who have to be visited by you ?—No.

25527. Who deals with that, if they have any property ? —There are provisions in the Lunacy Act giving certain powers to the Visitors, very slight powers, and if the need arises I think it is passed over to the Chancery Department.

25528. Does the Chancery Department deal with anything but lunatics so found ?—Yes, it deals with all their property.

25529. Whether "found" or not "found" ?—Yes.

25530. Is there anyone responsible at the Lunacy Commission for discharge by the staff of their particular duties ; is there any person who overlooks the staff to see that their attendance is regular, and the amount of their work is done ?—The Secretary would do that, and there is always one Commissioner on duty in London.

25531. Daily duty ?—Daily.

25532. Then it is in their charge to see that the proper duties are thoroughly discharged ?—Yes.

25533. Have you had any complaint from any local bodies or any other persons or authorities with reference to the action or inaction of the Lunacy Commissioners ?—Not to my knowledge.

25534. Have you been made the subject of attacks at all as to your mode of administration ?—No, I think not.

25535. And no suggestion has been brought before you for the improvement or amendment of your body, or its working, or its jurisdiction ?—No.

25536. So far as regards the duplicate visitation by the Chancery Visitors and your body, do you consider it desirable that that should be got rid of or dealt with in any way ?—I do not see very well how it could be got rid of. These 695 I mentioned are all under the direct jurisdiction of the Chancery Visitors, but they are actually living in institutions which are necessarily visited by the Commissioners, and therefore they come under a double inspection.

25537. Is there any reason why that should be continued ?—No ; you might exonerate the Chancery Visitors from visiting those particular persons.

25538. Your system of amalgamation seems to me to be the cure for several of these difficulties, because in that case only one inspection, inspection by one person, would take place ?—That would be so.

25539. You have an architect who is not salaried ?—Yes ; you will get that from the Secretary.

25540. There is very little to be done in the way of plans, except in the case of reconstruction of hospitals ?—Plans are always coming in.

25541. Only when application is made for a license and the registration of a hospital, is it not ?—It is rather with reference to public institutions that plans are always coming in. You cannot build anything at an ayslum without plans being approved.

25542. Do you think it would be a desirable thing that whatever central body there might be to deal with lunatics and defectives they should be given power to do any work which is neglected to be done, on their order or advice, by some local authority ?—No. If you want more power you had better get a mandamus to make the local authority do their duty. I certainly should not impose the power on the Commissioners.

25543. In some cases the Local Government Board may undertake the work which is neglected by the local authority ?—I am not prepared to answer that question. County authorities in some cases have power to do the duty of local authorities on roads and charge them.

25544. You would not give a similar power to any central authority in the event of the direction of the central authority being defied ?—No.

25545. (*Dr. Donkin.*) I think you expressed the opinion that in visiting asylums the legal matters were more important, and that medical questions could be referred ?—Yes, I think that is so. I do not wish to exclude the medical gentlemen, I think they are extremely useful. I think the two react very well upon one another.

25546. May I take it as your opinion, or the opinion of the Commissioners in Lunacy as a body, that if the numbers of the Commissioners were to be increased, they should be increased more legally than medically, or equally ?—My own view would be that they should be increased equally, but you must not take this as the opinion of the Commissioners.

25547. I wanted to bring out whether it was your opinion personally, or the Commissioners' view because in this statement of the evidence supposed to be given by the Commissioners it is said that "The Board are convinced of the value of the services performed by the legal Commissioners and would much regret their abolition or a diminution of their number. They would not, however, press for an increase in their number, but would be content that the two additional Commissioners for whom they ask, and the Assistant Commissioners, should be exclusively of the medical profession." I think a very important question is raised there because it is suggested in the paragraph previous to that, that in the event of additional work being imposed upon the Commissioners in Lunacy, they then would think it necessary to have Assistant Commissioners appointed ; the work is in relation to incipient insanity, mental defectives and so on ? —Of course, that is the whole question with which you are principally dealing, namely the feeble-minded. We do not know what you are going to do. If you are going to create a body which is going to deal with that, I should say it must be medical. I think the certification of lunatics or feeble-minded must be entirely a medical, not a legal question, but when you have to deal with these great institutions I think the questions which most commonly come up are questions with which the legal mind is quite as capable of dealing as the medical mind.

25548. In the present state of affairs, supposing the functions remain the same, is it necessary in your opinion to have the Commission very largely increased ?—Two more Commissioners.

25549. And to allow each Commissioner to go alone and not to make any difference in the proportion of the medical and legal gentlemen ?—No, I would not personally, but you must not take that as the opinion of the Commission, that is my opinion.

25550. Supposing further work were put on the Commission of such a nature as is detailed here, you would think then that the excess should be medical, not legal ?—Yes, if they are to deal with what is called the feeble-minded I think you will want an increase of the medical staff.

25551. Do you think asylums would now be visited equally efficiently by a legal member travelling alone as by a medical member travelling alone ?—Yes. Questions

of dietary and sanitation affect the medical man, but generally speaking the chiefs of those asylums are so competent that I doubt whether the medical men give them any medical assistance. Their supervision is restricted practically to seeing that the dietary is all right and that the patients look right and that they are properly fed. That is a medical question, but the legal members are nearly as capable of judging from appearances as a medical man.

25552. Do you think that a very large majority of the medical superintendents of asylums are first-rate, and that they do not want advice?—I should say that men of that calibre do not want advice. Of course they get an able medical man coming round and if they have a very peculiar case they are quite sure to consult professionally; that is quite natural but I do not think it is a necessity. I think the medical men would be defective in their visitation if they had not got the assistance of the gentlemen capable of giving them legal advice from time to time. I think the legal point is a very important point and it should not be neglected at all.

25553. Would you think it easier for the medical Visitors to learn enough law to attend on circuit, or for the legal member to acquire enough medical knowledge?—The legal member cannot learn enough medical science, certainly. I do not think the medical side is so constantly called into exercise as the legal side. I think it is a very happy combination at present.

25554. (*Mr. Dickinson*). I wish to ask you a few questions in order to ascertain what is the general view of the Commission and yourself with regard to the objects of the Commission. The Commission was originally formed for the purpose of doing away with two evils; there was the possibility of illegal detention of persons who were not insane and there was the fact that some patients were treated cruelly in the old days?—Yes.

25555. At that time the Commission was appointed mainly to remedy those two things. Are those the two principal objects that you have in view at the present day? Let us take first of all the question of illegal detention? Do you look upon that as one of the Commissioners' chief objects—to prevent illegal detention?—It is one of the main duties of the office to see that that is the case in every single instance. That is a very large office business.

25556. At that time, in 1840 and 1850, the greater number of lunatics were in the hands of private individuals in private houses?—I believe so.

25557. Now it is quite the contrary. By far the greater number of lunatics are in the hands of public authorities?—Yes.

25558. Do you find there is the same necessity for inspecting, from the point of view of preventing illegal detention, in asylums which are managed by the public authorities, that there is in asylums managed by private individuals?—No, there is not the same necessity, but I think you would create a very serious gap in administration if you were to abolish the Commissioners in Lunacy and their present inspection and their present examination and all the certificates under which lunatics are detained. I think you would find that serious abuses would arise very soon if it were not for the rigid examination which goes on now.

25559. I am not quarrelling with that view, but I want to understand that. Do you say from your experience that there is now a real danger of illegal detention of a lunatic in a county asylum?—No, I do not think there is, but supposing there were no inspection of documents I think things would get winked at as regards certificates not being in form, which are never winked at now.

25560. Can you tell us of any instance in the last ten or twenty years where the Commissioners have interfered so as to liberate a patient from a county asylum?—No, because it is done long before they see the case, but what does happen frequently is this—generally by some *lapsus*, not any malfeasance, but by a slip—a certificate is irregular and gets to them, and although it has not been spotted at the asylum or private house or hospital, it is spotted at the office and the office sends word down and the patient is discharged and is probably re-certificated directly.

25561. There is no harm done there?—I do not say there is anything illegal. I believe the effect of the Commissioners' work is to prevent any irregularities anywhere at any time. *The Right Hon. Sir John Dorington.*

25562. You would agree with me that there is not the same inducement to illegally detain a person in a public asylum as there is possibly in a private asylum?—No, there is no inducement at all. 15 Nov. 1906.

25563. The tendency of Visiting Committees would be to get rid of their patients, would it not?—Yes.

25564. Therefore am I not right in saying that the circumstances have very materially altered?—They are very much altered, but I think the public would not be satisfied unless there were a public department which saw everything was kept straight. It is kept very straight. I think the Secretary will tell you that such a case as I have just mentioned is not infrequent, viz., the correction of the certificates. It only amounts to correction.

25565. One of the objects of personal inspection of the asylums is to give patients the opportunity to complain?—Yes, but that is not the whole object.

25566. No, one of them?—One of them.

25567. I suppose it never, or very rarely, occurs that the complaint of a patient in a county asylum to the Commissioners results in his discharge. I want to know to what extent this inspection is practically useful?—I cannot recall any case in a public asylum, but every now and then in private asylums cases do arise where a consultation takes place with the Commissioners and the proprietors as to whether a patient had better go or not. I have visited for the last thirty years a large asylum, and I can only recall one case in which I myself have been instrumental in getting a patient out.

25568. Was that a public asylum?—Yes. The patient was quite properly there; it was a question whether the period of discharge had not properly arisen, and I was the first to say that I thought it had. I brought it to the notice of the doctor: "What about that patient, do not you think she ought to go." We talked it over and decided in the course of a month that she should go, and she has been well ever since. That is the only case in my recollection. This is no criticism on the superintendent; he was quite right in leaving the patient there; it was only a question as to when the patient should be discharged.

25569. That, as you say, is very rare?—It is a very rare thing indeed, but very commonly the superintendent brings cases before the Asylum Visitors as to whether he shall discharge or not. He says, "I cannot take the responsibility in this case, will you advise me;" he says, "you are the discharging authority." The Visitors are the discharging authority, that is, *quâ* Visitors. Then a consultation does take place. It is very likely it occasionally takes place with the visiting Commissioners; I do not know whether it does.

25570. Of course the tendency is for the number of patients in public asylums to grow very much more rapidly than the number in private asylums?—Yes.

25571. That tendency would point rather, not to the absolute abolition of private asylums, but to the public asylums almost doing the whole of the work. Public asylums take paying patients now?—Yes, only the lower class, they do not take the high paying patients.

25572. No, the high paying patients will probably continue to require luxurious treatment, but the very large tendency now is to go into public asylums?—People keep away from them as much as they can. I think the public establishments are much the best, but people very much prefer the private asylums. You will get statistics as to the numbers of private asylums. I am not sure they are not growing.

25573. I think I have got it out that the power of the Commission for preventing illegal detention would only be called into effect in very rare instances in public asylums?—Very rare.

25574. The other object of the Commission was the prevention of serious cruelty which took place in the old days in asylums. That has also more or less disappeared?—That has disappeared; it cannot be done, at least it is very difficult to do it. There was a case two years ago.

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25575. Was that in a public asylum or a private asylum? —In what is called a hospital, publicly managed, but not by a public authority.

25576. What do you regard as the duty of the Commissioners with regard to the treatment of patients in the asylums?—To see that it is adequate and proper and to report accordingly. They are advisers. Of course if they found a case of cruelty they would order a prosecution. For instance, this is a case which occurs every now and then: a warder maltreats a patient; the action taken by the Visitors is not adequate for the occasion, and the Commissioners may perhaps order a prosecution. Then they advise a prosecution, and a prosecution takes place. The Visitors know very well that the Commissioners are behind them, and that if they do not deal with the cases properly they will come in and do something, and they do do something.

25577. Therefore, in that way the action of the Commissioners would tend to prevent any improper treatment? —It maintains very strict discipline in the asylums.

25578. That is as a negative, prevention of improper treatment. To what extent do you think the Commissioners act in the positive direction of causing the most advisable treatment, that is to say, medical treatment or other treatment of patients?—The Commissioners, you see, get all the knowledge which can be obtained by a general inspection all over the country, and they first of all in their reports, and secondly by private advice, can recommend the most improved forms of treatment. In that way the treatment of lunatics has been extraordinarily ameliorated in the last forty years. The Commissioners are the general receptacle of all the information in the country and disseminate it again; the best information.

25579. To what extent has the Lunacy Commission acted in that direction? In what way do you advise the authorities as regards that?—It would be very hard to find any direct advice, but perhaps you will ask the Secretary about that. A great deal may be done in the way of mentioning improvements that they have seen and which have been adopted in certain asylums and which should be generally spread, and people take it up. I suppose the asylum which has set the example of how to deal with private patients is Ticehurst. That gradually became a model for all the private asylums. It is not the Commissioners who invent these things, but they see these things and recommend them.

25580. That would be the individual Commissioner, going round, who recommends?—Individual Commissioners; they are a sort of centre of information. There is a Medico-Psychological Society, you know; they get out all this information. I think you are getting a little beyond my knowledge.

25581. I wanted to know what was within the knowledge of the Board. With regard to all these more modern ideas as to the treatment of lunacy, have the Commissioners discussed those questions on broad lines as a board?—Not to my knowledge.

25582. Have they ever had, say, reports or explanations of foreign systems of treatment?—Not to my knowledge

25583. Then the Board itself does not discuss these questions. The individual members may form their own opinions and advise the committees, but you do not look upon it as your duty to arrive at any system for improving the treatment of lunatics?—I should not exactly say that. Without exactly any formal board discussion, round the table things are mentioned; all plans of asylums are seen. There is extraordinary knowledge at the Board of what is necessary in an asylum in the way of construction, and their knowledge goes all over the country.

25584. To give you a concrete instance, do you ever discuss as a Board and come to any conclusion with regard to the erection of the villa system of asylum as against large buildings?—The Board has opinions about it, but they do not impose their views upon the various bodies except as regards the actual plans placed before them.

25585. When you say the Board has opinions, that is to say you have individual opinions; you have not attempted to discuss it as a board of experts?—No, but the Board acts together on these lines, although they do not pass resolutions.

25586. Do you not think it would be advisable for a board which is supposed to be in possession of all the information that is possible on this subject, to come to conclusions upon it with a view to advising the local authorities?—I should be inclined to say that we have general views which we do impose on the authorities. If you would ask the other gentlemen I should be glad, as it is getting rather outside my knowledge.

25587. I will leave that then. I see you do mention here that if additional duties are to be imposed on the Commissioners "in relation to incipient insanity, mental defectives, and boarded-out patients, a probable strengthening of the Commission will be necessary." Has the Lunacy Board ever considered, from the point of view of coming to a practical result, the question of boarding out lunatics in England?—I do not think they have.

25588. I presume you know the system which holds good in Scotland?—Yes.

25589. Is that because at the present moment you have no direct functions?—We have no direct functions; that would belong entirely to the local authority. We should have to be satisfied as to their proper care.

25590. That is what you would regard as your function? If they did board out then you would have to be satisfied as to their proper care, but you would not think it your duty to advise them?—No.

25591. So, though you might be convinced of the fact that in an asylum there was a considerable number of patients who would be improved by boarding out you would not consider it was your function to advise it? —No.

25592. You would leave that to them?—Yes.

25593. Do not you think it would be advisable that the central authority should give this advice to the local authorities?—I have a very strong opinion that we get the best results by leaving great freedom to individual authorities. You do not want to crystallise everything too much at headquarters. A superintendent might strike out an entirely new line which would be absolutely prevented if nothing could be done without the permission of London. Our present duty is to see that he does the work properly.

25594. Both you and I know local authorities pretty well. Do you find that there is a tendency in local authorities—to use your word—to "strike out a new line"?—No, but you never can tell when a genius will arise.

25595. Do geniuses in lunacy administration arise often in county authorities?—I do not see why they should not. We have only lately lost our superintendent at Gloucester by sudden death. The transformation he made in our asylum in the twenty years he administered it there was very striking. I do not say he was a genuis, but he was a very able man, and a very good administrator.

25596. You think it advisable that the central authority should interfere by advice, not by force, with the object of striking out a new line of action?—I would not use the word "interfere." I think they do act by advice, and I think that is far enough. They have nothing imperative.

25597. If you have to take, for instance, incipient insanity, mental defectives, and boarded-out patients, you have formed no opinion as to what addition to your numbers would be required?—No, I do not know in the least what it would involve. How are you going to define the feeble-minded?

25598. You would, I suppose, think that there would be more necessity for a central authority to provide against the abuse of the feeble-minded even than with regard to lunatics?—At least as strong an authority.

25599. And if there were any power of detention given as against a feeble-minded person, it would be essential that there should be some central body to see that that power was carried out?—Most certainly. At the present moment if there is any case of detention at all of anybody who can by any stretch of the imagination be called a lunatic the Commissioners have full powers to interfere, and they do so every now and then.

25600. Would you say that the Lunacy Commission would be the best body for this? Supposing that it was rendered legally possible to detain feeble-minded people, would the Commissioners in Lunacy be the proper people?

—I should not set up a second public department; it would need an alteration of the Lunacy Commission.

25601. I think we have had evidence from someone on behalf of the Lunacy Commissioners that they were not prepared to voluntarily undertake this duty?—Yes, as a board they dislike the idea, but I think it would be a great mistake to set up a second department; that is my personal view. It is the same as the line I take with regard to the Masters in Lunacy. I say there are two departments which cross one another, and they ought to be rolled together.

25602. You propose that this should be done by allowing the appointment of Assistant Commissioners?—Until we know the extent of the business with which we have to deal I do not think we can form any opinion at all. There is one objection to it, of course, and that is that the public dislike immensely the idea of any individual being tainted with the imputation of lunacy. Therefore, if you have a feeble-minded person they want to escape from the Lunacy Board; they would like some other board. The only way to get rid of that would be to change the name.

25603. Would that be an objection, to change the name?—You might have a board for "mental defectives," which would certainly include lunatics, idiots, and everybody of that sort.

25604. One question about the architect; you propose that there should be a salaried architect?—I think you had better ask the other Commissioners about that.

25605. (*Mr. Loch.*) About the Visiting Committees, are you satisfied as to their ability to do their work well?—Quite.

25606. You have reports from them which indicate that?—The Visiting Committees keep their minutes; they do not make reports. They make an annual report. I think it is a very effective governing body.

25607. Do the members of those committees go to the asylums, otherwise than on their annual visitations?—I suppose the practice differs in asylums, but at one time I was able to find my own way over the whole of a very large institution, and every member of the Visitors goes over it at least once a year; the Chairman goes over it every month

25608. With regard to the visit per annum which is paid, is that simply the statutory visit; are there other visits paid?—Not by the Commissioners, unless there is anything suspicious, or wrong.

25609. Do you think the one annual visit enough?—I think so.

25610. Is there any independent information as to what goes on in asylums from the point of view of the treatment of the patients, which comes before you every year; do medical officers make any suggestions, or in any other way?—I suppose the Commissioners judge of the condition of the asylum by the appearance of the patients and their relative contentment with their lot, whether the place is clean and fairly decorated, and things of that kind. Beyond that I do not think there is any other independent view.

25611. That is to say, if a patient is wrongly classified from the medical point of view, and well treated, that would not necessarily come to the surface?—I think not.

25612. There is no association of medical men with one another to discuss points of that sort?—Yes, there is a Medico-Psychological Society.

25613. That is of course an independent society?—It is an independent society.

25614. Not in connection with the Commissioners in any way?—No. Of course the Commissioners, in going round and seeing all the patients, if they are satisfied that a patient is improperly placed, for instance a very quiet patient in a disorderly ward, or *vice versa*, they would speak to the superintendent about it, and no doubt his direction would be attended to at once. So would the Visitors in going round; they would see the same thing. There is an outside mind always working on the asylum besides the medical officers.

25615. And you think scope enough is given to individuality of thought in the treatment of the cases as against the official routine, which may press hardly on particular cases, and almost injure them?—I do not see how you can get more supervision than you get at present.

25616. As I understand, in view of a possible large increase of work connected with defectives, you would suggest unification as your method of making up such staff as might be necessary to deal with the new problem, in view of all the information that might be forthcoming in regard to it?—That would be my personal view

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25617. (*Dr. Dunlop.*) In answer to Mr. Bryne, you said that you agreed generally with the Lunacy Commissioners' statement. Where do you qualify your answer; is there anything with which you disagree?—No, I do not think I disagree with anything here. I mentioned my view about the utility of the legal gentleman; that is rather stronger than is expressed in this Report; that is the essential point. Also I do not know whether the Commissioners as a whole are prepared to advocate the absorbing of the Lord Chancellor's Department in the Commissioners' Department, or the Commissioners' Department in the Lord Chancellor's Department; otherwise I agree.

25618. The Lunacy Commissioners' statement is silent on that point?—Yes.

25619. May I ask what personal experience of visitation you have? You were never a paid Commissioner?—No.

25620. As an unpaid Commissioner have you ever from time to time visited?—I have never visited as a paid Commissioner, but I have visited asylums for the last thirty years.

25621. Have you ever paid a statutory visit?—No.

25622. Ever gone round an asylum of 2,000 patients?—I saw every patient last week in an asylum of 1,200.

25623. How long did it take you?—The greater part of the day.

25624. You saw them all in one day?—Yes.

25625. It was very fatiguing?—It is a long round.

25626. You did not examine each of them?—I gave them an opportunity of seeing me.

25627. But you could not go the length of examining and satisfying yourself about each?—No.

25628. Your experience in inspecting work is comparatively limited—inspecting as carried out by a paid Commissioner?—I have never inspected as a Commissioner. I am acquainted with the interiors of about four asylums.

25629. You were quoting the 1888 Committee's Report, which was against amalgamation. You said they reported against it. Would not you like to qualify that statement by saying they only reported by a very narrow majority against it?—That speaks for itself.

25630. There were three against it, and two for it?—Yes.

25631. Further, they qualified their Report by stating that it was a matter which should be brought up on a subsequent occasion?—Yes.

25632. And so it hardly amounts to being against amalgamation at all?—It is hardly a question for a witness to answer, is it?

25633. You quoted that?—I was in favour of amalgamation, and Mr. Greene brought that up against me.

25634. Would you like to qualify your statement by saying that it was by a majority and was qualified in other ways?—It was by a majority, no doubt.

25635. You told us that the 65 retiring rule does not apply to Lunacy Commissioners?—No, it does not apply.

25636. Can you tell us how that happens?—I cannot.

25637. Are you aware of the Orders of the Council which apply to all civil servants, and I suppose Lunacy Commissioners are civil servants?—I am not aware that the rule has been applied. I am told Lunacy Commissioners are not civil servants.

25638. I thought they were included in the Superannuation Act as civil servants?—I cannot tell you.

25639. You spoke regarding the inspection of asylums by a legal Commissioner being more useful than that by a medical Commissioner. I would like to hear your opinion. Will you go over the special duties of Commissioners in going over asylums, and tell us where the special legal

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knowledge is valuable? These are the statutory duties: they have to report and see whether the provisions of the law are carried out regarding construction. Is a legal man a special authority on the construction of an asylum in virtue of his legal knowledge, not in virtue of his knowledge as a Commissioner?—His legal knowledge would apply to that particular point. All the plans come before him.

25640. Is a barrister specially qualified to give an opinion about buildings?—He may be legally qualified to give an opinion about buildings.

25641. Does it require a barrister to see that the number of statutory visitations by the Visiting Committee has been carried out?—That is clearly a legal duty. It does not specially require a lawyer to settle that.

25642. Does it specially require a lawyer to report on the condition of the law so far as the management of asylums is concerned?—Yes.

25643. As regards the admissions and discharges, does it require special legal training?—It is specially the duty of a lawyer, I should say.

25644. Is it?—More so than of a medical man. That is technically a question of law.

25645. Put it comparatively; does it require either legal or medical knowledge to do these things?—No, an ordinary layman can do it perfectly well.

25646. There is no special legal qualification?—No, but it may be a legal question.

25647. To ascertain whether Divine Service is performed, does it require a barrister's qualification?—No.

25648. To ascertain whether coercion is used; is a lawyer required for that?—It is one of the businesses of a lawyer to find out any breaches of the law.

25649. It is the business of a Commissioner to ascertain that?—A lay Commissioner could do that just as well.

25650. The classification of patients; is a legal qualification of any use there?—No, that would fall more within the medical supervision.

25651. Occupations and amusements of the patients?—A lawyer and a doctor are about equally qualified.

25652. Or a layman?—Or a layman.

25653. The bodily and mental condition of the pauper patients when first admitted; the legal qualification fails there, does not it?—I am not quite so certain there. It would appear on the record that the patient was suffering in certain particulars; the lawyer is quite as qualified as a doctor.

25654. To interpret medical terms?—Yes, to interpret the written statement as to whether it is legal or otherwise. He would not be qualified to speak of the mental condition of the patient. I am speaking of judging of the documents on which the patient is introduced.

25655. Is there any one of these things which cannot be properly fulfilled by a medical man?—I think on the whole most of those points are better settled by a lawyer than by a medical man.

25656. The bodily health and classification of the patient?—Not bodily health. I have gone through them one by one.

25657. (*Chairman.*) I think we might accept the statement of Sir John that in most of these cases a layman would do equally as well as a doctor or a lawyer?—That is the conclusion to which I came.

25658. (*Dr. Dunlop.*) Is a medical man capable of doing all these things, and is a lawyer also able to undertake them?—I think the medical man is capable of doing it all except with regard to the interpretation of the legal documents. There the lawyer is a better hand than the medical man.

25659. They are all examined in the office in London, are they not?—They are all examined in the office in London, yes.

25660. That is where the lawyer is of use, is it not?—Yes, the lawyer is of use there.

25661. In answering some questions by Mr. Greene you made a statement that the Scottish opinion was that the Lunacy Commission should consist entirely of medical men. Are you well informed as regards that opinion?—I heard the debate in the House of Commons.

25662. Sir John Tuke?—Yes.

25663. I have not got the words of the debate in front of me. In Scotland we have legal Commissioners who are very much appreciated and do valuable work, and the usual opinion is that legal Commissioners are very right and proper, and are in their proper places?—I am glad to hear it.

25664. You were not aware of it?—No.

25665. You stated that you agreed with the statement of the Lunacy Commissioners that if new duties are added there must be an increase in the strength of the Commission?—Certainly.

25666. One of the new duties is put down as supervision of mental defectives?—Yes.

25667. Does not that come under the duties of the Lunacy Board at the present moment?—The moment they are lunatics it comes under the Lunacy Board, but until they are lunatics the Lunacy Board has nothing to do with them.

25668. Where can you draw the line?—That is the difficulty.

25669. I would like to know whether the opinion of the Lunacy Commission is the same now as it was in the early days. This is the Report issued in 1847, in which they give the definition "who by reason of deficiency, infirmity, derangement, or other unsoundness of mind (whatever form it might assume, and whether they were violent or harmless, curable or incurable) were not deemed competent to take care of themselves"?—The whole of that turns on being "competent to take care of themselves."

25670. But mental deficiency was included?—Yes, mental deficiency when it arrives at a certain point comes under the Lunacy Commissioners. The point always arises, "when does it"?

25671. The care of mental defectives used to be the duty of the Lunacy Commissioners?—No, not until they were incompetent to manage their own affairs.

25672. But when they are incompetent?—Yes.

25673. Why do you describe it as a new duty?—The point is the Lunacy Commissioners have nothing to do with anybody until they are certified not competent to manage their own affairs.

25674. Is that so? It is one of the duties of the Lunacy Commissioners to inspect workhouses?—But only as regards those people in the workhouses who are not competent to manage their own affairs, and who are certified.

25675. Are the duties limited to certified lunatics?—Yes.

25676. Nothing outside certified lunatics?—Nothing outside.

25677. One of the clauses of the Lunacy Act (Section 206) puts it down as a duty; it requires them to make inquiry as to detention of lunatics in private families and charitable establishments?"—Yes, the moment the Lunacy Commissioners get information that any person said to be defective is wrongfully detained an immediate order is obtained from the Lord Chancellor and an inspection is made. That is done frequently in the course of the year.

25678. If a mentally defective person is put into detention of any form at the present moment it is part of the Lunacy Commissioners' duty to look after him?—To try and find out whether he is rightly detained; and that is done.

25679. And supervise his care and treatment?—They correct the treatment in those cases.

25680. Supervise it?—Yes, they do not allow any lunatics to be detained except in an authorised place, a place authorised by them or licensed by them in some way or other, and if a mentally defective person is alleged to be under detention, and that is brought to their knowledge, an immediate inquiry is made, and if necessary the Lord Chancellor's order is obtained, and a person is sent who has power to enter and see. That is done a few times every year; a considerable number of times.

25681. It is the duty of the Lunacy Commissioners at present to look after mentally defective persons who

are in institutions ?—In institutions certainly; but I say outside institutions, and who are wrongfully detained.

25682. And all who are in institutions whether they are certified or not certified ?—No, only institutions where they are certified.

25683. A mentally defective person in an uncertified institution is in no way, at the present moment, under the control of the Lunacy Commission ?—No uncertified place is allowed to exist. Persons go dangerously near the law, frequently, now.

25684. What about special boarding schools certified by the Board of Education for mentally defective children ?—If they were wrongfully detained there, the Lunacy Commissioners would interfere.

25685. The Lunacy Commissioners, presumably, if they read the newspapers, know there are such places ?—No; those persons have not been certified, nor are they certifiable. That is the assumption; if they were certifiable the Lunacy Commissioners would certainly interfere.

25686. That is the assumption ?—That is the assumption.

25687. Is your personal experience you cannot answer for that, not having seen the cases ?—I have not seen those cases, I only say the moment the Lunacy Commissioners have any information that any person is wrongfully detained immediate inquiry is made, and those cases are constantly arising.

25688. The straight point is this: are mentally defective persons at present supposed to be under the control of the Lunacy Commission or not ?—It all turns upon that narrow border line.

25689. I will qualify it a little bit—mentally defective persons requiring treatment in a special institution ?—No, not unless they are certified as not competent to manage their own affairs. The moment they are certified they come under them, and when there is any person who, the Commissioners have reason to believe is improperly held or should be certified, immediate inquiry is made.

25690. Why do you say "certified as not competent to manage their own affairs" ?—That is the expression.

25691. "Requiring care and treatment in an asylum" ?—I thought you read just now, "not competent to manage their own affairs."

25692. That is the definition here ?—I was using that definition.

25693. As soon as they are in that condition they should be under the Lunacy Commissioners ?—There is a hair's breadth between the two positions. The Lunacy Commissioners have a very difficult duty to perform sometimes, and I think they do it with great discretion and for the benefit of the public.

25694. You are aware that there are a good many other lunacy authorities, translating lunacy according to this definition here, which is given by the Commissioners in Lunacy existing in England at the present moment ?—I only know two, namely the Masters in Lunacy, and the Commissioners in Lunacy.

25695. What about the Local Government Board ?—They have no power at all.

25696. They care for a large number of lunatics do they not, and the Lunacy Commissioners report to them and they regulate the whole treatment of those lunatics ?—No, I do not think the Lunacy Commissioners are under the Local Government Board.

25697. Do they not report to the Local Government Board on certified cases in workhouses ?—In workhouses I dare say they do.

25698. Are they not lunatics ?—Yes, it is because they are lunatics that the Commissioners report.

25699. So the Local Government Board is a lunacy authority, is it not ?—No, I do not think they are; the Visitors report to the Board and a copy of the report to the Board is sent to the Local Government Board. It is rather an act of administrative order and decency than anything imperative. The Local Government Board is not a lunacy authority.

25700. Are you aware that the Local Government Board license houses for defective persons ?—They are not lunatics.

25701. They are lunatics, under this definition ?—No, they are not lunatics under that definition. Any one under that definition comes under the Lunacy Commissioners.

25702. Or should come ?—Must come, I say.

25703. The justices are lunacy authorities in England too, are not they ?—No, I should not describe them as lunacy authorities. It is a duty of the county council to provide asylums and provide visitors; to that extent they are a lunacy authority.

25704. The justices ?—The justices license certain houses.

25705. And make inspections ?—And make inspections.

25706. And do the same thing as the Lunacy Commissioners ?—No, the Lunacy Commissioners are over them. In the sense in which I thought you were speaking there are only two lunacy authorities, the Commissioners and the Lord Chancellor and his Visitors, and practically they are one.

25707. You do not admit the Local Government Board to be a lunacy authority ?—No.

25708. Although it deals with many thousands in a year and receives all the reports and regulates the whole treatment ?—It does not regulate the whole treatment. The Lunacy Commissioners to some extent regulate the treatment in the workhouses.

25709. The Home Secretary is likewise a lunacy authority ?—No.

25710. Is he not the supervising authority of Broadmoor ?—Yes, I beg your pardon. Broadmoor is not under the Lunacy Commission, but under statute they have the same obligation to visit as in the case of other asylums, and the authority of the Home Secretary in respect of Broadmoor is nearly analogous to that of a local authority in regard to county and borough asylums. I suppose Broadmoor is a prison.

25711. Do you think it desirable that there should be several different authorities, or is amalgamation all round, bringing everything under one control, desirable ?—I have already said my opinion is that the Masters in Lunacy and the Lunacy Commissioners should be made into one body.

25712. Your answer practically omitted the State asylums and practically omitted paupers in workhouses ?—No, my answer did not exclude paupers in workhouses They are under the Lunacy Commissioners.

25713. The Commissioners report to the Local Government Board ?—No, they do not; they report to their own Board and a copy is sent to the Local Government Board as a matter of what I call decency in administration.

25714. Can you refer me to any section in the Lunacy Act which gives to the Commissioners power in the workhouses ? There are duties to perform in asylums and licensed houses, but there is a curious absence with regard to workhouses ?—I do not think they would visit unless there were statutory authority.

25715. (*Chairman.*) On the technical details would it not be better to get the evidence from the Secretary ? Sir John cannot possibly know all the details ?—I do know the Commissioners have made very proper orders with regard to the treatment of lunatics in these workhouses, which have been immediately obeyed.

25716. (*Dr. Dunlop.*) I will drop that subject. The Bill to which you referred was introduced two sessions ago, was it not, for the creation of two more Commissioners ?—Did it get into a Bill ?

25717. It was in a Bill which was read a first time, I think. Can you tell us on what ground it was opposed. It never got the length of being opposed in Parliament ? but it was an open secret why it was opposed ?—I am not in the open secret. I was a Member of the House of Commons at that time and it was extremely difficult to get anything thought about then.

25718. (*Dr. Needham.*) You told us that you had been unable to attend at the Board meetings of the Lunacy Commission very frequently in consequence of necessary engagements, therefore I may take it, I suppose, that if there had been discussed at the Board meetings the villa system of asylums, and other matters of that kind, the probability is you would have known nothing about it ?

Questions 25719 to 25743.

The Right Hon. Sir John Dorington.

15 Nov. 1906.

—That is quite likely; I think I said, "not to my knowledge."

25719. Of course, the visitation of the Commissioners of lunatic asylums, about which you have been asked, you know, is not for the purpose of deciding whether people are recovered or whether their discharge is proper; you are aware that that is a matter which is solely and absolutely in the control of the Visiting Committee and the Commissioners have no power to discharge from county asylums ?—No, they have no power, it is a power to supervise which they exercise.

25720. It is a power which is vested altogether in the Visiting Committee ?—In the Visiting Committee.

25721. Therefore I assume that if the Commissioners visit the county or borough asylums and see the patients, they do not regard it as any part of their duty to investigate the mental condition of the patients whom they see; that is a matter which the law has vested entirely in the Visiting Committee ?—I am not quite certain that that has been my view of what the Commissioners should do, or do do; you may be right.

25722. You are aware of the clause of the Act of Parliament which refers to visitation ?—187.

25723. You know that the members of the Visiting Committee, when they go to asylums, examine all the original orders and certificates ?—Yes.

25724. And on their bi-monthly visitation, which is a statutory visitation, it is their duty to examine into the condition of any patients who may be fit for discharge and to discharge them if necessary ?—Yes, that is regularly done.

25725. It is no part of the duty of the Commissioners to discharge from county asylums. They have no power ?—I thought you had that power, but I see you have not. I suppose that under the subhead (*a*) No. 3 "As to management," if you thought any patient was wrongfully detained you would report it to the Visiting Committee, and say that patient was suitable for discharge. You are to inquire as to management, and if you thought any patient was wrongfully held—I do not mean under certificates, but that the patient had recovered—you would take notice of the case, just as the Visiting Committee take notice of the case now.

25726. I want to ask if you know that it is a statutory duty of the Committee to discharge patients ?—Yes, I know that.

25727. The statutory duty is vested in the Committee, and in nobody but the Committee ?—Yes, I thought that you had power, but I see you have not.

25728. As regards the visitation of asylums in reference to what Dr. Dunlop has asked you, of course you are aware that when asylums are visited there are a good many sick people. Is it necessary, do you think, that there should be somebody who can ask as to the nursing of the sick, as to the sanitary condition of the asylum, and the epidemics or illnesses which may have occurred in the asylum ?—Yes.

25729. You think that is all requisite ?—I think that is a requisite, certainly.

25730. (*Chairman.*) There are one or two points I want to ask about. Do you know that the Dillwyn Committee reported that lunatic patients who had property did not need more supervision from the Commissioners, that is from your Visitors, than the ordinary patients. Have you any particular view as to that ?—You mean rich patients in asylums. I think that is right, because the Masters look after their property; their supervision is adequately done by the Commissioners under their ordinary powers.

25731. At present they are visited a great deal more than the ordinary patients, are they not ?—By the Chancery Visitors, yes; I suppose they are.

25732. It would relieve the Chancery Visitors if they did not visit them so much ?—Yes, it would.

25733. Another point I want to ask about is, supposing the result of our inquiries into the feeble-minded to be that there will be more institutions and more visiting to be done, do you think the Lunacy Commission is a body which is suited to carry out those duties ?—I think the body would be suited, provided it were made large enough; the *personnel* is not adequate.

25734. You think it would be suitable except as regards size ?—Yes.

25735. Have you anything to say to us with regard to the Lunacy Commission, looking at it from the point of view of the chairman of a county council ? Do you think that there have been occasions when the Lunacy Commission has entailed rather a heavier expenditure on the local authority than they considered necessary ?—I am of opinion (I may be wrong) that the views the Commissioners have held for some years past have been some what extravagant as to the dimensions of apartments, as regards the cubic contents per head; in that way we run rather into extravagance. Take the two asylums which we possess in Gloucestershire, one built within the last twenty years and the other built nearly a 100 years ago, with constant additions. The old one is much more cramped, has much less space, than the new one, but so far as regards the comfort of the patients, and I think I may say even the healthiness of the patients, it is quite as good, and so far as comfort is concerned the patients prefer it to the brand new one which we think is quite perfect; it is too large and palatial for the taste of the inhabitants who go there. That is rather a medical question. The point is, can you get sufficient sanitation with a smaller cubic capacity than is now allowed; and nothing less will be passed. That is a question I am not prepared to deal with myself or judge upon myself. I only say that our old asylum (Dr. Needham will know very well what I mean by the old asylum) is much more cramped, is much more awkward, but I believe it is quite as healthy and it is certainly preferred by the patients. We use them both together, we transfer patients from one to the other, they are about two miles apart. It makes an enormous difference in the cost, if you can reduce the cubic capacity.

25736. Judging from your own observation, you think you could reduce it without any evil result ?—I think so.

25737. (*Mr. Byrne.*) I understood you to say to Mr. Greene that you thought it would be desirable that the Lunacy Commissioners should be brought into closer connection with the Judge in Lunacy ?—Yes

25738. I presume we are not to understand by that, that you think the whole jurisdiction of the Commissioners should be brought under the control of the Judge in Lunacy or of a law court of any sort ?—No.

25739. But in regard to matters with which you may have to deal with a Judge in Lunacy; those relating to the lunatics' property ?—My idea was that you ought to be able to find the Judge in Lunacy within the composition of the Board. I believe the Masters in Lunacy are the Judges in Lunacy; if they were the head of the Lunacy Commission you would have the Judge in Lunacy within the composition of the Board.

25740. For the purpose of Section 100 you mean you should be able to get an order of any sort instead of reporting to the Masters and their having to do it for you ?—Yes.

25741. As regards the general jurisdiction of the Commission, you would in no way prefer it to be taken away from the present Commission ?—No, I think the present Commission works extremely well within its scope. In any alteration, its scope should not be lessened.

25742. (*Dr. Loch.*) Do you think it would be to the advantage of the community if on any reorganisation pauper lunatics were no longer retained in workhouses ?—Several points arise there. First of all a good many of the lunatics rather prefer being near home so that they can be visited by their friends. That is rather an important point. If you take them away from the workhouses they get beyond the reach of their friends altogether. Then I think that in these great institutions the cubic contents required by the Commissioners for the accommodation, becomes too costly; they are infinitely less costly in the workhouses, and where there is room for them, and proper accommodation, I think it is better to retain them in the workhouses.

25743. The argument about the propinquity of their relations is a difficulty, but if there could be provided at economical rates, suitable accommodation for them elsewhere, there is no preference for their being in the workhouse ?—No; they are undesirable in the workhouse, distinctly.

FIFTY-THIRD DAY.

Friday, 16th November, 1906.

PRESENT:

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant-Secretary*).

E. MARRIOTT COOKE, Esq., M.B., called; and Examined.

25744. (*Chairman.*) Would you tell us how long you have been a Commissioner in Lunacy?—Nine years next January.

25745. You agree generally with the statement of evidence which has been put in on behalf of the Commissioners?—Entirely.

25746. (*Mr. Greene.*) Have you anything to add to it, or do you wish to qualify it in any way?—Not to qualify the statements.

25747. Or the recommendations?—No, nothing.

25748. May I ask you whether in your opinion there is any way in which the constitution, jurisdiction or work of the Commissioners could be improved?—As stated in these documents we are much under-staffed and want material additions to our numbers. We are quite unable to cope adequately with the work. Hitherto we have covered all the duties imposed upon us by Statute, but only at a pressure which is detrimental to the work and quite unfair to ourselves.

25749. I mean, in the constitution of it, is there anything which can be improved; anything in the way of jurisdiction? The overwork of the existing gentlemen is a matter which perhaps may be personal to them, but I want to see whether the constitution of the Commission should be altered by an amalgamation with some other body, or whether they should be appointed differently?—Would you mind asking the questions *seriatim?*

25750. The constitution and the mode of appointing; whether they should be legal, medical, or lay; whether there should be an amalgamation with the Chancery Department or whether they should be associated with executive officers from the Local Government Board; whether you think the constitution of the Commissioners is satisfactory?—Speaking generally, I think the constitution of the Commission is eminently satisfactory, that is a quasi-independent body appointed to administer the Lunacy Acts. I think the whole history of the working of our Commission as detailed in the evidence which has been submitted by our Secretary, and which has our entire sanction, shows that it has been most beneficial in the interests of the insane.

25751. You think the combination of legal and medical is useful?—I do.

25752. Do you think the inclusion of an unpaid element which may be lay, that is to say neither medical nor legal, is good?—I think it would be a great pity if it were to become impossible for paid Commissioners on retirement to be made honorary Commissioners. I can look back for thirty years and point to several paid Commissioners who, on retirement as honorary Commissioners have brought the influence of their long experience to bear upon the Commission with admirable results. Take for instance the late Sir Charles Bagot.

25753. May not the long association of gentlemen who have been paid Commissioners, retired and superannuated, be a little bit enfeebling to the others?—Not in the least.

25754. You do not get "groovey"?—No, not the Commissioners of whom I have had experience. I think their presence on our Board has been highly beneficial. *E. Marriott Cooke, Esq., M.B.*

25755. Do you think it would be desirable to appoint as unpaid Commissioners only those who have been formerly paid Commissioners, or should there be the introduction of unofficial people?—I think with the exception perhaps of the Chairman, whose appointment presents considerable difficulties to my mind, the honorary Commissioners should be limited to those who have been previously paid Commissioners. That is having regard to the difficulty there is in getting unofficial persons to attend regularly to the duties. If they would attend regularly their presence on the Board would be an advantage. 16 Nov. 1906.

25756. How many would you have of them?—I think any Commissioner who retires should be eligible for appointment. Of course they would not come on as a right. Now it is not a right, it is a matter of appointment.

25757. At present four such persons may be appointed?—Five.

25758. Where do you get the five from? I have been looking at the Statute and cannot find it?—Section 150 of the Lunacy Act says there shall continue to be Commissioners in Lunacy. That has always been held to be a continuation of the section of the Act of 1845, in which it was specified that there were to be eleven Commissioners in all, six paid, three of whom were to be barristers and three medical men, and five unpaid.

25759. Can you give me the section of the Act of 1845 in which it is so stated?—They were appointed by name.

25760. The current text book—Wood Renton on Lunacy—states that "there are ten Commissioners in Lunacy, four unpaid and six paid, of whom three are legal and three are medical Commissioners"?—I think that is either an error or means there were, at the time the book was written, that number. Is it not merely a footnote?

25761. It is a note to Section 150. How many were there in 1897?—I cannot tell you offhand. In our Secretary's statement (marginal note "1845") you will see this matter referred to. See p. 3, col. 1.

25762. It may be an error on the part of the author of this book?—I think about that year there were four paid Commissioners. My legal colleague, Mr. Urmson, who was Secretary in the year 1890, informs me there were five paid Commissioners in the year 1890.

25763. 1897 was the date of the book. However, there is no statutory direction as to the number, it was only that they enumerated the individuals who were to compose the Commission?—Yes, but with power to the Lord Chancellor to appoint in place of any of those in the event of a vacancy. That is the way the number is made out.

25764. Then you see in 1845 it was thought desirable to have this lay element, and they were none of them people who had formerly served as Commissioners?—No.

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25765. You would prefer to alter that?—I think the conditions are rather different from what obtained in the year 1845. In 1845 there was great popular indignation with regard to the condition of lunatics, and a certain number of people took up the subject purely from a humanitarian point of view, and as long as there were great scandals to be cleared up, and abuses to be rectified I think it was easier, probably, to get people to interest themselves in the work than now, when it has become more of a kind to be performed by paid officials.

25766. But the number of the lay element was to prevent the lunatic from being subject merely to officialdom, and to act as watch-dogs, so to speak, for the protection of the lunatics; was not that so?—I do not think there is any evidence of that, and after all, the barristers who are appointed to be paid Commissioners come in with perfectly open minds. That is one reason why I should be sorry to see any diminution of the present legal strength of the Commission.

25767. I wanted, if I could, to see why the unpaid element should either be neglected, the offices not filled up, or why they should be in any way abolished?—That is the only explanation; it is purely a matter of opinion.

25768. With reference to the legal and medical members, do you think that there is any necessity for altering the proportions which have hitherto existed; equal proportions of medical and legal?—Yes, I do. I do not think we have any too many legal members on the Board at the present time; their influence is of great value, but I think we want a preponderance of medical men on the Board, and a larger number than we have at present who have had practical experience themselves in the treatment of the insane and in asylum administration, but I would not have the Board purely a medical Board.

25769. What proportion do you think is necessary?—If two Commissioners are added to the Board one of them at least ought to be an expert in mental disease and asylum administration. Supposing there were five medical men on the Board, I think at least three of those five ought to be experts in mental disease and asylum administration.

25770. We have drifted away from the point I wanted to bring out, which is the comparison of the medical and legal. You are giving me *inter se* a comparison amongst medical men. I want to see how many legal there should be, and how many medical?—We think that if we had an addition of two to our Board, with the other relief mentioned in our statement, namely, single visitation, we should be able to perform our duties satisfactorily. I believe as a Board we are agreed that both those additional Commissioners should be medical men, so as to make the proportion three legal to five medical men.

25771. Amongst the medical men themselves, you were saying something about having an expert; do you mean that amongst those who are medical Commissioners there should be some selected person of special medical experience in cases of insanity?—My own opinion is that at least one, if not both, of these two additional Commissioners should be a medical expert in mental disease and asylum administration, when appointed to the Board.

25772. What would be in your mind when you say an "expert"?—At the present time, of the three medical men on the Board there are two of us, my colleague Dr. Needham and myself, who have devoted many many years to the study and practice of lunacy, both of us having been superintendents of asylums.

25773. They should be people who have had experience as superintendents?—As superintendents, but I do not think all the medical Commissioners should have been asylum medical superintendents. The practice which has hitherto obtained of having as one member of the Board a gentleman who comes in purely as a London physician has been an admirable one.

25774. You reserved your opinion with reference to the Chairman of the Board when we were dealing with the unpaid part; you think he should be unpaid?—I am doubtful. It is a matter on which I find it difficult to express an opinion.

25775. Should he be lay, or medical, or legal?—I think he ought to be legal.

25776. The whole Commission would consist of lawyers and doctors?—Yes, unless it were found possible to obtain lay honorary Commissioners who would be able to attend regularly.

25777. The lay element you would discard, because if you were only going to appoint as unpaid Commissioners those who were superannuated, who would be either medical or legal, the whole Commission would be professional?—I do not wish to go so far as that. It so much depends upon whether it is possible to obtain as Chairman a layman who can attend regularly.

25778. That is not much of a principle?—I think in a Board like ours we want a thoroughly strong Chairman who will take an interest in the work. I do not care where he comes from as long as he will come and thoroughly interest himself in the work, gain a complete knowledge of it, and give a general lead in it.

25779. Now with reference to their payment; have you any remark you would like to make about that?—No, except that I think any additional Commissioners appointed to the Board ought to be paid as highly as the present Commissioners.

25780. You think the present payment, which was fixed in 1845, is adequate?—I think so.

25781. Beside the salary which is fixed by Act of Parliament, is there any grant for travelling and subsistence?—Yes, our travelling expenses amount to a large sum annually.

25782. I thought so, when I looked at the accounts yesterday?—My expenses will come sometimes, in three months, to over £100. Our travelling expenses are refunded to us, and we have a personal allowance of 30s. a day.

25783. That you would leave as it is?—That I would leave as it is.

25784. That I suppose is a matter of arrangement between the Commissioners and the Treasury?—Yes, it used to be done by mileage, but that has been given up for a long time. We now simply send in our accounts, and vouch for them as correct.

25785. If it is a matter between you and the Treasury we need not as a Commission trouble about that. Now with further reference to the constitution, are the Commissioners supplied with an adequate staff?—I think so.

25786. Are the Secretary and the Secretary's qualifications, which are mentioned in the Statute, such as you think befitting; is it always to be a barrister of seven years' practice?—I think it answers very well.

25787. So that in addition to all the Commissioners being either legal or medical, you would still adhere to having a legal secretary?—Yes, because if we had more medical Commissioners there would be more frequently a medical Commissioner on duty at the office, and able to give the Secretary advice on medical points.

25788. I was going to put to you whether that section should not be altered so that you would have the option of appointing someone more familiar with administration?—There would be advantages no doubt if the Secretary could have a larger knowledge of administration.

25789. In any question I put I hope you will consider that I am conveying not the slightest reflection on any individual; I am only looking at the system. Ought not the person who appoints the Secretary to have the option of putting in an administrator from the Civil Service, or someone who is connected, by being superintendent of an asylum or otherwise, with more general work?—I do not think so. The Secretary has a good deal of legal work.

25790. The qualification in the Statute is that he must be a practising barrister of seven years. The Commissioners may be barristers of five years, but the Secretary must be a practising barrister of at least seven years' standing?—We have found distinct advantages from that section.

25791. Would you leave that as it is?—I would leave that as it is, bearing in mind that the Secretary has generally the opportunity of consulting one of the medical Commissioners on medical points, which, of course, are constantly cropping up in his office.

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25792. With reference to the staff, that is a matter of arrangement between the Commissioners and the Treasury?—Yes. Of course, very rightly, they do not give us clerks when we ask for them without making very close inquiries as to the need, but generally, as soon as we have satisfied the Treasury that we wanted additions, they have been granted.

25793. We have heard a great deal about the architect. That I do not propose to pursue any further?—There are many points arising on that about which I should be glad to be asked.

25794. With reference to the Rules, I think the Rules of 1893 require that when a hospital is being erected the plans and details and estimates should be submitted?—The plans.

25795. More than that, I think?—And the estimates in the case of a county or borough asylum. We merely have to approve plans for hospitals. The estimates are not submitted.

25796. Section 272 states: "For the purpose of procuring the approval of the Secretary of State to any agreement, contract, or plan, requiring approval under this Act, the agreement, contract, or plan, with an estimate of the probable cost of carrying it into effect, shall be submitted to the Commissioners and to the Secretary of State, and the Commissioners shall make such inquiries as they think fit, and shall report thereon to the Secretary of State, who may approve the agreement, contract, or plan, with or without modification, or may refuse his approval." So the estimates of the probable cost of carrying it into effect have to be submitted?—Pardon me, you asked me about hospitals. This refers to county and borough asylums. Lunatic hospitals are asylums founded as a rule by private philanthropy for private patients. They are altogether a different class of institutions from the county and borough asylums.

25797. You have the estimates for building asylums submitted to you?—Yes, and in the case of lunatic hospitals we have the plans, but they are not obliged to submit estimates. In the case of hospitals and licensed houses, we have merely to approve the plans; the cost has nothing to do with us.

25798. And also under your Rules there is this requirement: "The superintendent of every hospital shall within one calendar month next after the accounts of the hospital shall have been submitted to the Charity Commissioners or have been audited, send to the Commissioners an abstract of the accounts in such form as the Commissioners shall from time to time prescribe. He shall within a month after its publication send to them a printed copy of the annual report of the hospital." So that you have the plans and estimates for asylums, and you have the accounts of hospitals sent to you?—Yes, but we also have the accounts of all public asylums sent to us—an abstract of them.

25799. I want to know what facility there is in your office for the proper supervision, examination, and dealing with these accounts?—None at all.

25800. Have you any expert at all?—None at all. We do not consider it part of our duty. We publish the accounts for the information of the public and to enable comparisons to be made. We comment on them in our reports, but we have nothing to do with the auditing of the accounts of a public asylum; that rests with the Local Government Board entirely.

25801. Are they examined by you at all?—For the purpose of reporting. They are examined in outline to see that there are no serious discrepancies, but not to see that the accounts in themselves are correct in detail.

25802. Can you tell me any reason why the Commissioners provided that an abstract of the hospital accounts should be sent to them?—That we may be able by totalling up and averaging the cost in all county and borough asylums to give a general indication of the cost of maintaining lunatics.

25803. I am talking of hospitals. I was reading the Commissioners' Rule that provides for the sending of accounts. Why should you have these accounts?—It is important that we should see the figure at which the average weekly cost comes out per patient. Very often questions arise as to whether the hospitals are doing a sufficient amount of charity. Supposing we find that a hospital is taking a large proportion of its patients at a low rate of payment or free, we regard that as creditable to that hospital, and, as you will see in our Report to the Lord Chancellor we comment on the fact, and in that way we consider we exert a beneficial influence by getting people to subscribe and so obtaining relief for needy better class patients.

25804. But my point is really to get to the administration. I want to know what work is done in the office when these accounts come in; who examines them?—The chief clerk.

25805. And reports to anybody?—He prepares these statements which appear in the Annual Report.

25806. Do any of the Commissioners look at these accounts when they do come in from the hospitals?—Not in detail.

25807. You cannot see any account, except in detail; do they look at them at all?—In our Annual Report they are set forth.

25808. I want to see what work is done by the Commissioners?—We have no control over the actual expenditure of a hospital. They only have to report to us.

25809. I am aware of that; but do you look at the accounts?—Only broadly, to draw conclusions from them.

25810. With reference to the estimates, you have nothing to help you to see whether the estimates are extravagant or otherwise?—We have nothing to do with them, In the lunatic hospital the Committee of management controls the estimates and expenditure entirely; in the county and borough asylums it is different.

25811. But have you anything to help you with reference to estimates for asylums?—Are you now talking of estimates of plans?

25812. Yes?—Yes, our architect to a certain extent gives us an opinion upon them.

25813. But you do not think it is adequate, at present?—No; but I understood that until now you were talking about the maintenance.

25814. I am wanting to see, if I can, by steps, whether the Lunacy Commissioners have sufficient assistance to enable them properly to carry out the work which Parliament has thrown upon them. I am trying to see what expert help they have got in some of the duties thrown upon them?—It is very important that you should make it clear to me whether you are referring to the maintenance account of an asylum or the maintenance account of a hospital, or whether you are referring to the estimates submitted for plans for erection of asylums, because these matters are dealt with in distinctly different ways and there are different considerations involved.

25815. You have no accountant in your office?—No.

25816. You have no surveyor to help you with estimates?—We have our consulting architect.

25817. But no one on your staff?—No one on our staff.

25818. My point is to see whether you require an additional staff?—I am very anxious for these different accounts and estimates not to be confused, because they are dealt with in widely different ways.

25819. Beyond an additional architect you ask for no further expert help; I am not talking about the Commissioners?—We think that in the examination of plans and examination of estimates of alterations and additions to, and enlargements of, asylums, it is very important that we should have a salaried architect attached to our Board. The present system of having to depend only upon a consulting architect or a consulting engineer is insufficient to accomplish what we have to do.

25820. Now to pass on to the jurisdiction of the Commissioners; is there any work which you think ought not to fall within your province which you at present do?—There is no work of which I think, in the interest of the public, and in the interest of the patients, we ought to be relieved which we do at the present time. I should be very sorry to see any of the work taken off us which we now do.

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25821. Is there any additional work which should be imposed on you so as to make your working more satisfactory?—I do not think so, but we want more time to do the work which now falls upon us.

25822. My point is whether there is more work to be done. We will see how it is to be done afterwards?—I think in a Board like ours you can never say there is no more work to be done.

25823. Suppose you had an adequate staff could you undertake jurisdiction over people mentally defective who have not been certified?—I do not think we could undertake that work without other assistance than the two Commissioners whom I have suggested. We ask for the two additional Commissioners to enable us to carry on the work we have at present to perform, and probably shall have to perform within the next forty or fifty years.

25824. But is there anything in the constitution of your Commission which would make it inadvisable to add to them the supervision of the mentally defective? I want to see whether you are the proper body to have it given to you?—It depends a great deal upon what that work is to be. It is very difficult to express an opinion without more information. When I was before your Commission two years ago, I expressed it as the opinion of our Board then that we did not, as a body, think it desirable that we should have thrown upon us the supervision of persons who were not certified to be insane. Personally I am rather disposed to modify that opinion now, supposing that there is to be a general reorganisation. If, for instance, we were to be amalgamated with the Masters and Visitors, it would be most undesirable that another comparatively small body should be constituted, to look after feeble-minded people.

25825. Would it be better, in your opinion, that there should be amalgamation between you and the Chancery department?—Yes, provided on further investigation it is found feasible to work in the visitation now performed by the Visitors with that performed by ourselves. If there were amalgamation and reorganisation, I think, instead of creating another small department for the care and control of the feeble-minded, and so perpetuating a continuance of the present dual system, it would be better, on the whole, to have one general body.

25826. Have you thought at all whether it would be expedient to have female lunatics inspected by a female Commissioner or a female inspector?—Yes; I do not think it would. I will give you a reason for that: that although, as medical officers, many ladies have been tried in asylums, and although occasionally they have answered, I do not think it has been found very generally a success. Some of them have broken down under the strain of having to deal with lunatics.

25827. But that is a different function from what I am suggesting; I am suggesting them as Commissioners or inspectors?—I should say not; I think it would be very undesirable.

25828. I dare say you are aware the Local Government Board employ ladies, and the Board of Education, I think?—Yes; but I think the supervision of lunatics is a totally different thing.

25829. Do you think the experience of a lady on your Board would be of any service with reference to the supervision of female lunatics, supposing a female Commissioner were appointed, whether medical or not?—No, I think not.

25830. I hold no brief for the suffragettes?—I am wholly without prejudice, but it is a matter I have considered, and I think it would be most undesirable.

25831. Do you think that is the opinion of you all?—I would rather you asked the other Commissioners.

25832. Is there anything to regulate the hours during which your office has to be open?—Yes.

25833. Is that by statute?—By Treasury Order, I believe.

25834. Seven hours a day?—Yes, ten to five; that is referred to in our Secretary's statement.

25835. Can you tell me at all what length of time is expended by the Commissioners in their visitations over the country?—Yes, I can give you my personal attendances. Last year I was away visiting from London on 102 days in the year. I had to sleep away from home 114 nights.

25836. That is probably about the same as all the other Commissioners?—Yes.

25837. That left you 200 odd days for London work?—I was visiting in London for fifty-one days.

25838. In addition to the 102 that you were away?—Yes. This statement I am making covers eleven months; that is from the 1st January to the 1st December, 1905; I was at the office on 116 days, which makes 269 days out of the eleven months. In a few instances I may have counted days twice over. I might have been at the office for a few hours in the morning and gone off and visited in the afternoon and so there might be a little overlapping. My accounts do not show it, but it would only be on a few days. Therefore out of those eleven months I was engaged 269 days. Of the 114 nights I slept away from home twelve were Sundays. This year by the 31st December, I shall have had to sleep away from home on 120 nights.

25839. Is there any holiday allotted to the Commissioners?—We are supposed to have two months' holiday in the year, but there are hardly any of us who have not encroached largely on it. As a matter of fact I shall have to encroach on my holidays this year, nearly three weeks, to get my work done; so that for the last two years my holidays have averaged hardly six weeks in the year, counting every day I have had. That I consider wholly inadequate, considering the strain, the physical exertion, and mental wear which the work entails. I want to make it clear that what I have given you represents my work from January 1st to November 30th last year, because one of the duties of the Commissioners is, when the Secretary is on leave, to do the Secretary's work. It happened to be my turn to do the vacation work last year, so I did not get any holiday till December. Whenever the Secretary is away we do the Secretary's work.

25840. That leads me back to a point to which I was coming; there are three legal Commissioners?—There are.

25841. They have all of them been Secretary to the Commission?—All the present legal Commissioners have.

25842. How many years does that cover, of secretarial work?—Perhaps you will ask the legal Commissioners; one was Secretary six and a half years.

25843. Are you the senior?—No, I am the third.

25844. Have they all three been Secretary?—Yes.

25845. Then they have been moved up as Commissioners?—Yes.

25846. So that the fresh blood only comes, as it were, into the Commission through the appointment of a practising barrister, as Secretary?—Yes, and that is the important point. It is not necessarily always so; there have been exceptions. Mr. Inderwick, for instance, came in direct. Sir Charles Bagot was Principal Secretary to the Lord Chancellor before he was appointed, and he also was never Secretary to the Lunacy Commission.

25847. That is a good many years ago. He served twenty-five years, and then retired, and then came on as an unpaid Commissioner?—Yes, but I want to point out that it does not invariably follow that the Secretary is promoted to be a Commissioner. It happens that all three of my present legal colleagues have been Secretary, but there have been, as I have said, others who have not.

25848. With the present ones it has been a continuous filling up; it rarely happens that there is fresh blood coming in on the legal side?—I would not say "rarely."

25849. As regards the medical appointments, they are of course, fresh to it; they do not serve in the office in any way?—No; but I have been a medical superintendent of two asylums; first of the Wilts County Asylum, afterwards of the Worcester City Asylum, or for twenty years in all.

25850. Have you formed any opinion as to the expediency or possibility of taking over the Chancery Visitors' duties?—I have given a good deal of thought to it.

25851. What is your view?—In trying to form an opinion one is met with this difficulty: we do not know

exactly what the work of the Visitors is; that is to say how often they are called upon suddenly to go and visit cases; we do know this, that out of the 685 Chancery lunatics, we, in the course of our duties as Commissioners see and examine 361. We see those 361 either in institutions which are under our jurisdiction, or institutions which we have to inspect under the Lunacy Acts and where we are obliged to see all the patients.

25852. There is double visitation for those ?—There is overlapping.

25853. They get a double share, but then they pay for it ?—I do not know about that. I had a Chancery lunatic at the Worcester Asylum who had no means at all, and yet he was visited by the Chancery Visitors.

25854. Where they have property there is a deduction of 4 per cent. ?—Yes, there is; but some of them have only small means.

25855. Where they have got means they have to pay for it ?—Yes.

25856. Do you see any objection to this system of double visiting; would one visitation, either by yourselves or the Chancery Visitors, be sufficient ?—Of course we must see them, because they are in our own institutions, they are lunatic patients so found by inquisition for the most part, not invariably; those 361 persons are frequently Chancery patients who are unfit for care in private houses.

25857. From your experience of your inspection of them, would it be advisable, or possible, to suggest that they should not be inspected by Chancery Visitors if they got the advantage of classification by you ?—I do not think it would do for us to inspect half the Chancery patients and the Chancery Visitors the other half. It could only be done by amalgamation.

25858. It might be worthy of consideration whether, if there were a Chancery patient in an institution visited by you, your visit should be deemed to be adequate ?—No, I do not think so; there might be all sorts of matters connected with the Masters' arrangements of which we might not be cognisant.

25859. Short of an amalgamation, it would not be possible for double duty to be saved by the expedient I am suggesting ?—No.

25860. Do you get any conflict with the Visitors, or Masters ?—None; no conflict of a frictional nature. Occasionally I have had a difference of opinion, I think once with Sir James Crichton Browne, as to whether a patient whose affairs were managed by a receiver, and who was seen by the Chancery Visitors as well as the Commissioners, was suitable or not to remain in a particular house; but it was purely a friendly difference of opinion.

25861. When these doctors differ, who decides ?—In the particular case to which I refer the patient could not be removed without the consent of a Commissioner, but on the other hand the Masters had, of course, the control of the purse strings.

25862. Do you come into communication at all with the Masters ?—No, not directly. Sometimes matters occur in our office about which we think the Masters should be informed; we perhaps think a patient's property is not protected, or something of that kind.

25863. May I take it that it is your view that any amalgamation would be desirable ?—I cannot go quite so far as that, because I am unaware of the exact scope of the duties of Visitors. It would be impossible for the Commissioners, at all events as at present constituted, to have frequently, at short notice, to visit at the request of the Judge in Lunacy patients in distant parts of England. How often such emergency calls are made on the Visitors I have no knowledge. Subject to that I do not think there is any insuperable difficulty in amalgamation. Although Sir George Jessel's Committee, to which reference was made yesterday, or the majority of that Committee, was averse from amalgamation, as no doubt you are aware, in the Lunacy Act, 1890, provision was subsequently made giving power to the Lord Chancellor to amalgamate the two Departments. The question is one which I should like you to put to some of the legal members of the Commission as well as myself. Amalgamation would be a way whereby our Commission might be increased to an adequate extent without throwing any additional, or only a very small additional burden upon the country. But we ought to have the power of single visitation as well. If our Commission were strengthened by the Visitors being joined to us, and with single visitation, I think we ought to be able to carry on the work of the Commission satisfactorily in the future.

25864. That might be without the addition of the two Commissioners you have mentioned ?—Yes.

25865. Do you consider single visitation would be adequate ?—With the addition of three Visitors to our Board.

25866. What do you say as regards single visitation ?—I am of opinion that it is absolutely essential that the power of single visitation should be conferred upon us.

25867. Is single visitation sufficient to protect the patient from oppression and to satisfy the public that he is properly looked after ?—I am quite convinced that it is.

25868. Do you think the work could be done by a single Visitor ?—I think it should be left to our discretion to visit singly or not. The view of our Board is that there are many occasions on which it might still be advisable for a barrister and doctor to go together. We are not at all prepared to say that in every instance single visitation is desirable. We ought to have the discretion.

25869. It ought to be left to the Board, under this Chairman of whom you speak, to allot the work ?—To say what institutions should be visited singly.

25870. But you prefer it being left to your Board, instead of it being directed by Statute ?—I think it might be left to our Board instead of having our hands tied as they are at present, which is highly inconvenient.

25871. At present who allots the work and arranges the distribution of work amongst the Commissioners, because I understand Sir John Dorington is not able, unfortunately, to attend ?—It would be a matter about which the honorary Commissioners would know but little. All these arrangements are left entirely to the paid Commissioners.

25872. Under a new plan, if there were a chief Commissioner, would he be the proper person ?—No, I think it should be a friendly arrangement between ourselves, because there are a great many points to take into consideration. I imagine we should do very much as the Judges do in determining what circuits they shall severally take. We depute one of our body to make the arrangements for the ensuing year. He makes out a scheme of work and submits it to each Commissioner before it is adopted.

25873. It is for him to see that the most economical mode is adopted of utilising the time of the Commissioners ?—Yes, but his scheme is based upon a system of circuits and general arrangements which have previously been approved by the Board.

25874. (*Dr. Donkin.*) I take it as it is understood that all your replies to Mr. Greene's questions are with regard to the present fitness of the Lunacy Commission for the work they have to do now ?—yes, subject to the few questions which were asked about the additional work that might, on the recommendation of your Commission, be thrown upon us in respect to the feeble-minded.

25875. Therefore in the final questions with regard to amalgamation of the Chancery Department and the Lunacy Commission, they also referred to the joint work of the two and no more ?—Yes.

25876. I may take it also that you have emphasised very fully the fact that the present numbers of the Commission are quite inadequate to do the work thoroughly from the public point of view, and satisfactorily to the Commissioners ? Yes. Mr. Greene asked me the number of days we are away on circuit. Those are very long days, sometimes extending to eleven hours, and are laborious days. After inspecting, perhaps we have to travel some considerable distance.

25877. I suppose you would say, from your description of the work of the Lunacy Commission, it is mainly inspectorial, to see that the dictates of the law are carried out, and also advisory ?—Advisory, very largely. We have very large numbers of important matters to deal with,

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such, for instance, as the transference of patients to institutions and from institutions to single care, all of which requires an intimate knowledge of the patients. That is one of the great reasons why the present system should be maintained. The question often arises whether a patient is fit to be transferred to another house under other conditions. It is very desirable that some one of the Commissioners should be able to speak with authority from his own personal knowledge whether the case is a proper one for the change, and whether it is prudent in all respects for the transfer to be effected. I only give that as one example showing how important it is that this visitation should be done by Commissioners of experience. We are often consulted by the friends of patients on these matters. It is very important to bear in mind that a great deal of our work does, to a certain extent, assimilate the work of the Visitors. A very important part of our work is the visitation of the single patients in private houses, of which we have over 400.

25878. All that will come under the head of advisory work?—Advisory work and visitation jointly.

25879. What I want to bring out is whether you contend that at present the work is so much for the existing number of the Commissioners that neither branch of the work is satisfactorily done?—It is done at a most undue pressure.

25880. There would be much more scope, with more assistance, for the work to be done thoroughly?—Some of us are often obliged to be absent from Board meetings when there are important matters of policy to be discussed, and occasionally matters arise in institutions, such as suspected ill-treatment of patients, which we are not always able, owing to the shortness of our numbers, to investigate, on the spot as we should like.

25881. Supposing this amalgamation took place and there were then nine Commissioners, four of whom would be legal and five medical, do you think that would be a proper working constitution to carry out the joint functions?—I should prefer to see the proportion three legal and six medical Commissioners.

25882. With regard to the single visitation, would you consider that it is practically indifferent whether it is a legal Visitor, or medical?—I think so, having regard to the fact that the barristers are men of experience who are constantly in contact with their medical colleagues and get to know a very great deal of medical work. There is no doubt that my barrister colleagues do, after a very short time, pick up a very large amount of medical information and are able to employ it usefully, and they also get to know a great deal about the administration of asylums. I think any disadvantage arising from single visitation by the legal members would be compensated by the legal knowledge, and breadth of view which they bring to the Board.

25883. I am referring only, in this last question, to visiting. It is conceivable there might be legal members of the Board who did not visit. There might be a Board composed of a certain number of legal members whose duties were not to visit. You have, I think, said, and the Commissioners have in their joint evidence said, that one of the points they urge is that single visits should be allowed quite apart from any possible additional functions; to get them out of their present difficulties they want two more Commissioners who *may* be medical (rather implying they *should* be medical) and that single visits should be allowed. What I want to get at is, supposing for a moment you think of an ideal Commission formed of nine people—supposing there were no Commission and you decided the work to be done required nine members—what do you think would be the proper proportion?—I think the proportion I have indicated in my answer to Mr. Greene covers that.

25884. Five and four?—Three legal and five medical; or in the case of amalgamation I should say three legal and six medical. We should not want another legal member.

25885. Not if the present bodies were amalgamated?—Not in any case.

25886. You think it is a matter of indifference, provided a legal member has been on the Board for some time, whether the asylum is visited by a doctor or a lawyer?—Yes; I think we want a preponderance of medical men because every now and again cases will arise where the legal member will be glad to have a medical opinion. It will more often happen that the legal Commissioner will wish to have the opinion of a medical colleague than that a medical Commissioner will require the opinion of a legal colleague. Moreover, the work to be done by medical Commissioners outside visitation greatly preponderates.

25887. You would not be mainly of the opinion of Sir John Dorington?—No, I am distinctly adverse to it. I understood him to say that he would prefer more barristers than doctors. I wish to express the opposite opinion; I think the preponderance of the members of the Commission should be doctors, I do not think we require more than three legal members on the Board.

25888. With regard to visiting asylums, you think it is indifferent whether it is a legal or a medical member who visits?—Generally speaking.

25889. In other words, part of the function of the Visitor is not to give medical advice, not to set any particular tone or principle in regard to the treatment or care of the insane?—You must bear in mind, in considering this subject, that two legal members would not succeed one another; a legal member would go at one visitation and a medical member at the next; we do now visit in rotation.

25890. Your view is that the chief advantage of the visits is to see that the patients are properly cared for, and in fact that they are being humanely treated?—Humanely treated and properly cared for in all respects. It is not very often that matters of a purely medical nature arise at visitation.

25891. I suppose you will admit that a very considerable amount of actual medical knowledge and actual medical work is required in a department which might be appointed to deal with the feeble-minded and mental defectives of all grades who now entirely escape certification?—I do not quite understand your point.

25892. I was trying to get at this—with regard to the visitation which, I take it, will be an important function in any institution—that the regular visitation of asylums does not require the Visitor to be a doctor, or at any rate he should not always be a doctor?—No, not always a doctor, for the reasons I have just stated.

25893. You would not think that work which is more medical than the present work of the Commission should be added to the Commission?—Why more medical? I do not quite follow you. A barrister who for years has been in the habit of weighing evidence, when he joins our Board goes visiting with a medical colleague, is pocketed with him, I might almost say day and night, and is constantly discussing with him subjects connected with the care and treatment of the insane and the mental phases they exhibit. After a year or two, he is in most cases able to discriminate whether a person is insane or not, or whether only weak-minded. It does not require the same kind of expert medical knowledge to determine whether a person is insane, as it does to enable him to decide whether he has heart disease. There are obscure cases, but after all it is to a great extent a matter of observing and weighing apparent facts. I think too much is made of the purely medical aspect of judging whether a person is insane. It is carried too far. When a man has had a legal training to start with, and then has had an opportunity of studying and discussing with his medical colleagues the symptoms manifested by the 30,000 cases which he sees in the course of the year, he is soon capable of judging whether a person is insane or not, and it is not often that he feels at a loss.

25894. There would, therefore, be no particular advantage in his having asylum training before he became a Lunacy Commissioner?—A considerable proportion of the members of the Board ought to be medical men who, as ex-asylum superintendents, have had great experience in the treatment of the insane and in asylum administration, because they are best capable of dealing with many questions and matters that arise. But it would be very undesirable to have a Board composed exclusively of such men.

25895. In short, you would think that the present constitution of the Lunacy Commission or any Lunacy Commission of somewhat larger numbers, composed partly of medical men and partly of lawyers, would be a perfectly competent body, given that there were enough of them to take the supervision of all the present certified

lunatics and all the very heterogeneous classes of people, children to adults, who may be called defectives?—Undoubtedly. Difficult cases will arise every now and again where a consultation would have to be held as we hold them now. If a barrister goes and pays a visit to one of our licensed houses in London, and comes back to the Board and says, "I have seen So-and-so, I am doubtful whether this patient is insane, I should like one of my medical colleagues to see him," one of us goes at once. I think a mixed Board on the lines on which it is now constituted is in all the circumstances the best in the interests of the patients and the public.

25896. A Board constituted like that would not feel inclined to depute inspectorial duties to others who are not on the Board?—Yes, as we have indicated in our statement, we think that as a rule less experienced men under the supervision and control of the Commissioners would be sufficient to act merely as inspectors of mental defectives. For instance, it is a very different matter determining whether a woman is merely weak-minded and morally unfit to be left to her own devices, from deciding whether a man is suffering from a hidden delusion that he is the Pope, which may cause him to be a most dangerous person.

25897. I am not suggesting that any inspectors would be sent who were not trained, but you yourself, I think, said that it does not require any very considerable technical training, medical or otherwise, to satisfactorily perform all the functions of the present Commissioners in Lunacy?—Not in the great majority of cases; and where the difficulties arise it can be done by a consultation. But I want to emphasise the fact that I think after a few years, especially if they have been through the Secretaryship, the barrister Commissioners come to be experts, in fact. It must be remembered that in administering the Lunacy Acts the Commissioners have to deal with a vast number of important matters besides merely questions of insanity.

25898. In fact, they get their training after they are appointed Lunacy Commissioners?—Yes, but we have the advantage, that they bring to the Board their legal training and knowledge, which are very important assets and exercise a most beneficial influence on the Board, and are greatly to the advantage of the country and the insane.

25899. Do you not think there are many medical men in the country who have given a good deal of attention to mental disorders and had a great deal of practical experience who would be very capable Visitors of asylums?—Yes.

25900. Say men of the age of thirty-five to forty-five, and who would be perfectly willing to do it for half the salary of the present officers?—Do you mean visit the asylums?

25901. I mean such people as I was describing; I do not like to use the word "inferior"?—Not so largely experienced; I would like to withdraw that word "inferior"; I did not wish to use it in an offensive way.

25902. I was merely quoting your statement; I think the expression "inferior standing" is used. Are there not many medical men perfectly qualified to form an opinion and to visit and inspect the asylums effectively, who have had more training, and much more experience, than many Commissioners in Lunacy when they start their work?—That may be so as regards the actual medical experience; but I still maintain, and I want to emphasise the fact, that I think the influence of a certain number of barristers on the Board is of great value.

25903. My questions are not directed to doubting that; I was only trying to get your views as to the possible use of less highly paid, but at the same time well qualified, medical men, to act in performing inspectorial duties in the event of the functions of the Lunacy Commission being enlarged?—I think that is possible, and we recommend it, but we think it should be only certain duties which should be left to our Board to determine. In our statement, the second paragraph, we refer to that. We think that at present we have not the number of Commissioners required to perform the work which Commissioners ought to perform, and that if the addition is made to our Board for which we ask, they will be adequate probably, as far as one can see, for many years, and if additional work is thrown upon us we shall meet it by having the Assistant Commissioners.

25904. Assistant Commissioners would perhaps be inspectors acting under your direction, not members of the Board?—Not members of the Board and not appointed to do any special work, but such as we from time to time may direct.

25905. (*Mr. Dickinson.*) You told Mr. Greene you did not think there was any additional work which you would suggest being placed on the shoulders of the Commission. Have you at all considered whether there should be additional powers given to the Commission?—I have.

25906. Can you tell us in what direction the powers should be?—I think on the whole they should be left as they are. Questions may arise, in dealing with which we may have not quite as much power as we might like to have, but we think perhaps if we had greater power to deal with these matters it might be perhaps disadvantageous in other ways. We would rather prefer to be left as we are.

25907. Do you know the Scotch Commission?—Yes, I know a good deal about it.

25908. Do you know the powers they have?—I think I am pretty well conversant with them.

25909. You know that their absolute powers are considerably greater than those which you possess?—In what respect?

25910. In being able to enforce their views. We have had some evidence from Mr. Spence, the Secretary of the Commission; in his statement he gave us a list of points in which, in his view, the Scotch Commission was more able to carry out its views than the English Lunacy Commission. I do not know whether you have at all studied the Scotch system?—Yes, I have, but I am not prepared to say that any great additional powers are necessary. There are certain points, I think, more especially affecting the detention of patients, as to which I sometimes wish we had some discretionary powers. For instance, it is provided under the Act that when a patient is admitted who has not been seen by a judicial authority he or she has the right of demanding to be seen by a judicial authority, under certain circumstances. The judicial authority has to make a report and we have to give effect to that report; the law gives us no discretion whatever, and it has happened that we have entirely disagreed with the report when it has come in, but we have no discretion. I have known a case in which we have had to discharge a patient and that patient has committed suicide the next day. We had no discretionary power. We were obliged to give effect to the report of the judicial authority although we were fully aware of the true facts of the case.

25911. You have not got exactly what is in my mind. I was not thinking so much of the powers in individual cases, but the powers to enforce the proper or better administration of the lunacy law by the local authorities?—I do not think so. I think we had better leave our powers as they are, advisory. When we see things we do not like we report on them. If they are not attended to we keep on reporting and reporting, and we find, in the case of the county and borough asylums, that the committees after a time do not like its being known that the Commissioners are not satisfied, and before very long as a rule our influence in this way has the desired effect. I think there would be a danger in our having too great power and not leaving the authorities a discretion. Occasionally instances occur where it might be well if we had larger powers; for instance, in the case of the Cambridge Asylum with which we have been dissatisfied for several years, and where sanitary condition leaves much to be desired. We have been pegging away year after year trying to get improvements effected and we cannot get the Committee to do what we think ought to be done, but such a case as this is very rare. As a rule the local authorities though at first they may think what we suggest is unreasonable—sometimes they do, sometimes they think we go down and we must say something—after a time generally come round to our view, and as a rule we find that the superintendents of the asylums are wishful to act in concert with us and attach importance to the views we express.

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25912. Would you not say that in lunacy administration in England we are behind other countries?—No, I should say certainly not. I have visited asylums in Holland, Germany, France, Switzerland, and Scotland, and I do not think that, certainly anywhere on the Continent, that the treatment of the recent and acute cases is as advanced as our own.

25913. That is the medical treatment of the acute cases?—And the arrangements for them. We are far beyond them. In France in many districts coercion is still practised to a very large extent.

25914. I am not saying that there are not countries behind us; I am saying that we are behind some countries?—I do not think so. I have not personally found it so.

25915. Are we not behind Scotland?—I do not think we are. I think our system of administration is every bit as good as the Scotch system although it is lauded a good deal.

25916. I am asking these questions because in my own view I came rather under the impression that the Scotch Commission was very much better for pushing on experiments in lunacy administration than the English Commission. I want to get at it to see how far the English Lunacy Commission has really advanced the treatment of lunatics in England. I suppose you do attach importance to giving to certain classes of lunatics considerable liberty?—Yes.

25917. Do you press upon the English authorities the desirability of so classifying them that they can give absolute liberty to certain classes of lunatics?—Yes, we are constantly doing that. You will hardly see any report in which we do not refer to the number of patients who are allowed liberty beyond the grounds, and to those who are confined within the airing courts, and those who are allowed liberty out in the grounds.

25918. Has that advice been adopted readily and is it in actual operation now?—Certainly.

25919. Largely?—Very largely. There are certain places where asylums are built in such positions that it is impossible to allow extended liberty. For instance, in the case of an asylum like the Newcastle Borough Asylum on the fringe of the town, people object to a large number of patients going out. It is found impossible to grant them extended liberty there. In my own asylum, before I joined the Commission, I may say we sent out 75 per cent. of the patients beyond the grounds.

25920. Have you taken any action with regard to the other experiment made in Scotland, boarding out?—We have considered the question. It has been tried in Suffolk to a limited extent but we find in some districts even in the case of private patients that there are complaints from the neighbourhood of letting the patients out on the road. It was the subject of a controversy between our Board and some of the local justices whether the proprietors of Brislington House were justified in letting the patients out on the roads.

25921. I am asking with regard to your policy; was that done in accordance with some suggestion of yours?—We are always pressing it.

25922. You are pressing the subject of boarding out?—No, the question of liberty. Whether the people in the neighbourhood will have the boarding out has however to be taken into consideration.

25923. Then you have recommended it?—No, I do not think we have. We have discussed the question from time to time.

25924. You have not tried to initiate a *bonâ fide* experiment?—No.

25925. Of course you know that in Scotland it seems to have originated from the Lunacy Commission?—Yes.

25926. The Lunacy Commission have practically carried it through?—Yes.

25927. They have to find suitable places?—No, I think not: they very often take note of persons who are willing to act as guardians, but the inspectors of the poor, I think, are mainly responsible for finding homes.

25928. I think each home has to be approved by the Commissioners?—It has to be approved by them; they or more usually their deputies visit, but they do not as a rule take the initiative in finding homes; it is done by the inspectors of poor, I think.

25929. Then the question of villa and block asylums; has the Commission attempted to press the local authorities to take the initiative in that respect?—In many instances we have suggested it to a limited extent.

25930. In what instances?—Essex is one; villas have also been provided at Durham Asylum, Morpeth Asylum, Abergavenny Asylum; and at other places.

25931. Those are on the suggestion of the Commissioners?—I will not say they were all on our suggestion, but we from the office do make the suggestion that accommodation for patients should to a certain extent be provided in this way, and as a matter of fact we are now considering plans for a new Essex Asylum in which the villa system is to a certain extent adopted. I have studied the detached or villa system carefully myself and I am not at all prepared to say that the system in its entirety is the best that can be adopted; it is most expensive and it has drawbacks as regards supervision and administration. I have lately visited the Bangour Asylum which was opened the other day, and I am not by any means satisfied that it is the best. My own view is that a mixed asylum, consisting partly of villas and partly of a main asylum, is the best. I understood that you were throwing doubt as to whether the Commissioners did consider these points. I want to emphasise the fact that we do, because Sir John Dorington said yesterday that we did not. I can point to several of our annual reports to the Lord Chancellor in which these and other matters are discussed.

25932. I want to find out how far your powers are sufficient. Supposing you come to a decision that it is advisable to bring in some different system of treatment, how far are you able to bring that about—that is really the point?—If it is thoroughly advisable, I think we have great power—purely advisory. I think our views are adopted sooner or later.

25933. By the individual Commissioners advising?—Yes, through deputations from the asylums committees, of which we receive a good many in the course of the year. They come up to discuss what is the best plan to adopt before erecting or enlarging an asylum and to get the Commissioners' views. Our views are constantly sought by the local authorities on these points and we give them the benefit of our advice so far as we can, our policy having been to a certain extent previously settled at our Board meetings.

25934. What would you say to any suggestion that the Lunacy Commissioners should stand in the same position as the Prison Commissioners; the prisons were taken away from the Justices and handed over to the Prison Commissioners (the administration of them) subject to visitation?—I do not think it is at all desirable, personally. I think it would be very undesirable to take away the power from the local authorities. We have to bear in mind that the insane are suffering from disease, they are not analogous to prisoners at all. Unfortunately, that is so often lost sight of.

25935. What advantage do they get, from that point of view, from being under the local authorities?—They are visited by them and so their requirements are judged and studied from local standpoints which vary considerably in different districts. It is very desirable, I think, that the local authorities should retain the responsibility for the erection of asylums.

25936. I was trying to get at what is in your mind, from the expert point of view?—I do not think there would be any advantage.

25937. You do not think the asylums, from the expert point of view, would be improved?—I think not. At a rule the superintendents of these institutions are highly trained medical men who discharge their duties moss efficiently. It is a rare thing for us to be dissatisfied with the way in which an asylum is administered. They are men of experience having had a long course of training as assistant medical officers; we accept nothing without going into it.

25938. Of course they would not be displaced, they would remain just the same?—But I do not think we

want to bring them too much under a central body. If it were done, our Board would be too unwieldy, we should have such a vast amount of work to do that it would be most difficult of accomplishment, and the local authorities can do it better. That is one of the chief reasons why it would be quite unworkable.

25939. (*Dr. Dunlop.*) You personally, and the other Commissioners, are in favour of single visitation?—Subject to the limitations which I have mentioned.

25940. The limitation was power to go doubly to visit, but that in all cases single visitation should be empowered to take the place of it?—That our Board should be given authority to allow single visitation wherever we thought necessary.

25941. Would you apply that to both medical visitation and legal visitation?—Yes.

25942. Without any reservation whatever?—No, subject to what our Board thought desirable. I particularly emphasise that.

25943. I think you will agree that medical visitation singly is quite unobjectionable; the medical man is capable of doing all the work required at the visitation, is he not?—Not necessarily.

25944. What duties are there which he cannot do?—Very often legal points arise in asylums, on which I would very much prefer my legal colleague expressing his view.

25945. But your legal colleague would not require to see the asylum or the patient to answer them?—No, but there is this to be borne in mind, that there is hardly an asylum one visits where questions of ill-treatment do not arise. They may not be well-founded in many instances, but into all of them we inquire very fully, and I have very often felt the advantage at those inquiries of having by my side my legal colleague to assist me in taking and weighing evidence.

25946. There are certain advantages in having a legal assessor?—Considerable.

25947. But the statutory duties, as laid down in Section 187, the medical man can fulfil, can he not?—Yes, generally speaking, I think so. The last statement is pretty wide: "as to such other matters as to the Visiting Commissioners seem fit."

25948. Your Secretary, yesterday, informed us that common sense, combined with medical knowledge, can fulfil all the functions required in that Section. You will agree with that?—I think so. I could do them.

25949. Is the legal Commissioner capable of fulfilling all those functions independently of a medical adviser? Your Secretary yesterday, told us he was not?—I think an experienced legal Commissioner is, yes.

25950. A legal Commissioner with medical knowledge?—No, I mean an experienced Commissioner who has been on the Board some time.

25951. And acquired the medical knowledge about which you spoke?—Yes.

25952. After he has acquired the medical knowledge?—Yes.

25953. But a merely legal Commissioner, having been a practising barrister, is not necessarily competent to report on the bodily and mental condition of the pauper patients when first admitted, or as to the classification of patients?—Well, I do not know about the bodily condition. You must take that as a general term. I suppose that means whether patients coming from any particular Union are badly nourished, or whether they appear to have been roughly used. It does not mean that they are going to discuss whether that man has got heart disease or liver disease.

25954. Do you never get complaints of being made to work—asylum patients are made to work?—I do not know about "made"; they are encouraged.

25955. Very much "encouraged" sometimes, are they not?—I do not understand that insinuation.

25956. You receive complaints of a patient being made to work, or encouraged to work, when he does not want to do so?—No.

25957. Never?—I will not say "never."

25958. It is conceivable that you may get such complaints?—As a rule we find that patients who object to work, do not work. Work is done in the asylums as a rule either perfectly voluntarily, or from desire to work, or to obtain additional benefits, such as tobacco or other luxuries. Patients are not coerced.

25959. Let us come back to the point. Do you think the practising barrister recently appointed as a Commissioner is capable of expressing an opinion as to the classification of patients in an asylum?—Certainly, after he has become an expert.

25960. Recently appointed, I put it?—Do you mean the next day?

25961. Within six months?—It is a matter of degree.

25962. Common sense doubtless comes in?—Generally speaking, I think he is.

25963. Does the special qualification of being a practising barrister come in?—I do not think it does; but what I want to emphasise is that there are very great advantages in having a certain number of men on the Board who have had legal training and legal experience.

25964. But for this one particular duty, the inspection, is a barrister capable of fulfilling the conditions of Section 187, and is he a competent inspector to pay a single visit to a large institution for treating the insane?—I think generally yes, when he is experienced.

25965. The point I am trying to get at is, whether single visitation should be advised to apply to medical Commissioners, or to apply to both the medical and the legal?—I say, to both; generally to give us power to allow it, and that we may use our discretion as we think fit. May I draw your attention to a paragraph in our statement? "The Commissioners are of opinion that it would be desirable that they, the Commissioners, should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size." I want to point out that the mere fact of giving a single visitation is not going to add very greatly to our strength, because, when we now visit, one does not stand talking to a patient whilst the other listens, but we are each doing separate work; therefore it will take one Commissioner nearly twice as long as it does two to do the work, but it will facilitate it. For instance a little while ago I was visiting with a colleague, who was taken ill and had to go home, so the work of both of us came to a standstill. Of course there is power to appoint a deputy, but we cannot approach the Lord Chancellor at a moment's notice. It is not always an easy matter to get a deputy, and it takes some little time to approach the Lord Chancellor and get somebody appointed.

25966. Therefore that would be a very convenient power?—A very convenient power, and days are very often lost through our not having that power. We are working at a great disadvantage, and we want a remedy.

25967. That was explained by the Secretary yesterday; you agree with his views?—We are not convinced, as regards the large asylums, that it would be desirable to invariably visit singly, but we wish to have the power—for our Board to be able to exercise discretion.

25968. I want to know your opinion; is a practising barrister recently appointed—because we must look upon the legal Commissioner for the first year of his appointment as not having medical knowledge—competent to pay a visit to an institution for the insane, single handed?—No, and we should not expect him to do it. We do not contemplate his doing such a thing.

25969. Would it meet your views if the power of single visitation were restricted to medical inspectors?—No, it would not.

25970. Why not?—Because it would not give us that discretion. Already the legal Commissioners, when they have become experienced, do some single visitations; they visit houses in our own jurisdiction, and they are allowed to do it, and have been always allowed by Act of Parliament, and we wish the limitation removed which exists as regards other institutions. For instance the Act

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does not say, where one Commissioner has to visit our licensed houses, that he must be a medical man; he can be a barrister, and always has been so.

25971. You would not restrict that power of single visitation to medical men?—No.

25972. Even although it is possible that the barrister Commissioner is not capable of fulfilling all the requirements of the section of the Act—it is possible, I say?—No, I would not, because we ask for our Board to have the power to exercise our discretion.

25973. You save yourselves by the discretion of the Board?—Yes.

25974. Competent and thorough inspection is the primary function of your Board, is it not?—I think so; that is the great safeguard of the interests of the insane.

25975. Will you give an expression of opinion as to how many visits per annum are necessary to make the inspection efficient, to keep in touch with what is going on in the institution?—I think those provided by the Act are sufficient.

25976. Do you think one visit a year would enable one to keep in touch with what is doing in an institution?—Yes, subject to the correspondence in our office afterwards. The Commissioners go down, and we inspect and learn everything on the spot, but it does not end there. Our reports come up to the office, they are followed up, they come before our Board, and instructions are given. That is part of the business at our Board meetings, to consider what action should be taken on the report of the Visiting Commissioners.

25977. You think there is no reason why two visits should be paid instead of one?—No.

25978. You think one sufficient?—We can visit twice, or as often as we like.

25979. What should the limit be?—I think it should be as at present.

25980. You would not approve of two visits?—No.

25981. You do not think they might change the staff, change the superintendent, change the dietary, and keep the dietary going for eleven months before you saw it?—There is no risk of that at all. We should hear from the patients in the asylums. They are able to have such free communication with our Board that if any such thing happened we should hear from the patients the next day, I think.

25982. In Scotland two visits are statutory; you do not think that is necessary?—I do not think it is necessary.

25983. What is the number of official visits given by the different authorities? There are the Chancery lunatics and the Metropolitan licensed houses; how often do they get official visits in the course of the year?—I cannot tell you about the Chancery lunatics. We visit the Metropolitan licensed houses always six and generally eight times a year.

25984. If they had two visits from the Chancery Visitors they would get six to ten official inspections in the year?—Though we visit those institutions (we are obliged to visit them six times a year) we do not see the Chancery patients on the other two occasions.

25985. So they get eight official inspections in the year?—Yes.

25986. Will you tell me how often pauper lunatics receiving outdoor relief have visits of inspection?—I think it is twice a year.

25987. From the Chancery Visitors or the Lunacy Commissioners?—They are not under our jurisdiction at all.

25988. Can you tell me how often certified lunatics in workhouses are visited and inspected?—In those workhouses where there are any large number we visit them yearly; in the smaller, where perhaps there are eight or ten, often less, we visit them triennially.

25989. There are ten or twenty?—It might be twenty or rather more in a small number of workhouses.

25990. Once in three years?—Yes. Those are seen by the Local Government Board inspectors.

25991. Who do not interfere very much, but trust to the Lunacy Commission?—It is not our trust, it is theirs. The Section states we may visit such workhouses, where there are lunatics, as we may think desirable. It is not obligatory upon us to visit.

25992. What authority is the supervising authority of lunatics in workhouses?—The Local Government Board, I should say.

25993. The Lunacy Commission are the supervising authority of lunatics in asylums?—Yes.

25994. What is the corresponding authority for lunatics in workhouses?—I think the Local Government Board.

25995. They are a lunacy authority?—I do not say they are a lunacy authority, but they are the authority definitely responsible for the workhouses.

25996. We have one visit in three years for those?—No, you are drawing conclusions which I did not intend to convey at all.

25997. Some are visited annually, but some once in three years?—I told you it is in the large workhouses that you find by far the larger number of imbeciles and lunatics, and these are visited annually.

25998. There are a considerable number of lunatics in workhouses who are seen by the Lunacy Commissioners once in three years?—Yes.

25999. So some lunatics in workhouses are visited once in three years?—They are mostly imbeciles, not lunatics.

26000. Every lunatic in the Metropolitan licensed houses gets eight official visits in the year, six from the Lunacy Commissioners, and two from the Chancery Visitors?—What class of lunatics?

26001. Chancery lunatics in Metropolitan licensed houses?—I can tell you we visit them six times a year; I do not know what the Visitors do.

26002. Why should there be this enormous difference between different lunatics?—Because the law provides that we should see the patients in our own jurisdiction six times a year, they being not visited by justices. Licensed houses in the country are visited by justices every two months, and we visit them twice a year, but in our own jurisdiction the law requires, as they are not visited by justices, that we should see them six times a year, every two months. It makes the number of visitations by the responsible authorities the same in both the Metropolitan and provincial licensed houses. In one case they are visited by the justices and in the case of houses in our own jurisdiction they are visited by ourselves.

26003. You are aware that mention has been made of this in the Departmental Committee of 1877—the difference in the number of visitations between different classes of lunatics?—Yes, it is a matter of location—the overlapping.

26004. Would you mind restricting yourself to the practical purpose to be served, by dropping for the present purpose the legal requirements?—But these points want explaining, because it is merely due to the location.

26005. We have the reasons for these things in the Lunacy Act. I want to know the practical purpose served by the conditions of the Lunacy Act, and whether they require alteration?—I have said there is overlapping in the duties.

26006. Let me put the question again. You have said that one visit of inspection per annum is sufficient to keep in touch with what is doing in the institutions for the insane?—No, excuse me, I have not. I said, in the county and borough asylums.

26007. Do hospitals require more?—Yes.

26008. Why?—Because the inmates are private patients there.

26009. There are private patients in the county asylums, are there not?—Yes, but they are a different class of patients; they are those who are only able to pay very little more than the pauper charge and they are visited by the justices every two months.

26010. How many visits would you allow to hospitals?—We pay two at least.

26011. But for practical purposes?—We are only obliged to visit a hospital once a year by the law.

26012. I want to know your opinion of what should be done; how many visits per annum are required to efficiently inspect a hospital?—Two visits, as we pay at present, one of which is a statutory visit, the other is a purely voluntary visit.

26013. Two visits a year for a hospital, and one for a county asylum?—Yes.

26014. How many are required for an idiot asylum; I know the law, but for practical purposes, how many would you advise?—I think one a year is sufficient.

26015. Are there no private patients in idiot asylums?—They are not private patients at all, they come under the Idiots' Act, a totally different arrangement.

26016. Some are paying considerable sums?—That does not constitute a private patient.

26017. I thought it did. What constitutes a private patient?—One who is admitted under an order of a judicial authority on the petition of a relative. Private patients in idiot asylums are put in on the recommendation of their relative or guardian, and the certificate of a medical man; a totally different procedure. The great majority of them are children.

26018. There is a large number of adults. How often should idiot asylums be visited, do you think?—I think one visit a year for an idiot asylum is sufficient.

26019. How often should provincial licensed houses have expert inspection?—We visit them twice.

26020. Is that a desirable number of visitations?—I think so.

26021. You would not change the number?—I think we are satisfied with it, having regard to the fact that provincial licensed houses are visited every two months by Visiting Justices.

26022. Do they serve the same purpose?—Yes; they are assisted by a legal expert, they have to appoint a medical Visitor who has to visit with them.

26023. How often should lunatics in the workhouse be visited?—How can I say?

26024. I am asking your opinion. In order to have efficient inspection of them, how often should they be visited?—We are quite satisfied with the present arrangement, which is broadly once a year for the large houses and once in three years for the smaller ones. As regards our own visitation, having regard to the fact that they are inspected by the Local Government Board inspectors and very frequently seen by the Guardians, we have every reason to be satisfied with the condition of lunatics in workhouses.

26025. (*Mr. Byrne.*) Do you think one visit a year, or one in three years, is necessary?—I think it does good; I think it brings us in touch with a considerable section of certified lunatics, and we are able to give a good many practical suggestions for their care and treatment. We think it would be undesirable for that visit to be dispensed with.

26026. (*Dr. Dunlop.*) I take it you disagree with the finding of the Select Committee of 1877 where they state: "There seems to be no valid reason why the possession of property requiring protection should make any difference in the personal treatment of lunatics or in the supervision exercised over them." You disagree with that finding?—I do not quite understand the scope of your question.

26027. I have been asking you the number of visitations necessary in each class of institution?—I think my answer would be this: it is unnecessary for the Commissioners in Lunacy to visit all institutions with the same degree of frequency. You must take into consideration the frequency with which those institutions are visited and inspected by other bodies and other inspectors.

26028. And these differences are quite sufficient to justify the present differences—that is your opinion?—That is my opinion. It would be quite unnecessary for us, for instance, to have to go down to Earlswood frequently.

26029. The number of visits is regulated according to the visitations by other authorities?—Yes, the frequency with which we visit is dependent, to a large extent, upon whether the houses are within our jurisdiction. I suppose the Legislature thought that, as our Headquarters were in London, it was desirable that we should have our own jurisdiction, apart from the Justices.

26030. Do you think it is desirable that you should hold all this jurisdiction in London and not in the provinces?—Yes, I think so.

26031. What is the practical difference?—There are a large number of institutions near London where there are a great number of changes constantly going on, and we are able to be kept in close touch with them.

26032. Could not you go down to the provinces and keep in touch with them?—It would mean such an unnecessarily unwieldy and costly system. Originally the Metropolitan Commissioners, I think I am right in saying, had no authority outside the jurisdiction which is ours at present. It was only by the Act of 1845, I think, that our powers were extended to the provinces.

26033. But I want to know the practical bearing of it. Is it desirable that certain licensed houses should be put under your entire control (I am talking about you as a Board of Experts), and other licensed houses only partly under your control, and partly under a non-expert body?—I think we have almost as much power in the provincial licensed houses. There may be a few details, but we have almost as much power in the licensed houses as we have in our own jurisdiction. Our powers are much greater over the provincial licensed houses than they are over the county and borough asylums.

26034. But is there any valid reason why the Metropolitan and provincial licensed houses should now be separated, independently of any historical reason?—I think it is a satisfactory arrangement I would not disturb. It answers exceedingly well in practice.

26035. You would not like to see the Justices introduced into the Metropolitan houses?—No, I think it is far better that it should remain as it is.

26036. Principally for historical reasons?—No, for practical reasons. I think it would be a pity to disturb the system; we find it answers very well.

26037. Regarding your powers in these different institutions, you have fairly wide powers in Metropolitan and provincial licensed houses?—Yes.

26038. In lunatic asylums and hospitals, I understand, your power consists in making rules and seeing those rules carried out?—No, we have model rules which we suggest for the general guidance of the Visiting Committee, but it is with the Committee that the framing of the rules rests, and they are sent up for the Secretary of State's approval: we act as his advisers in the matter.

26039. Might I describe those as bye-laws, and these published rules as the statutory rules?—I thought you were talking about the rules for the asylums. What we call the rules for the asylums are rules in force in every institution, and which have to be sanctioned by the Secretary of State; they are altogether different from those rules, which do not refer to county asylums only.

26040. But the point I am trying to get is this: you have a control over county asylums and hospitals in the fact that you can draw up rules which must be observed in them, and which become statutory?—Rules in conformity with the Act of Parliament.

26041. Have you similar power regarding the idiot asylums?—No.

26042. Is that a power which should be given to you?—Yes, we do not think our powers are extensive enough in the idiot asylums. I think as a matter of fact there are no abuses, but it is conceivable that abuses might arise which we have no power to prevent. For instance we have no power to prevent overcrowding.

26043. But the power to make rules which must be adhered to, and which become statutory rules, is a valuable power which you possess?—Yes, which we possess under the Lunacy Act, but they would have no effect in idiot asylums.

26044. But is it desirable that you should have similar power?—We think we should have more power than we have.

26045. Have you power to draw rules to regulate the treatment of the pauper lunatic in the workhouse?—No, workhouses do not come under our jurisdiction,

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but as a matter of fact we find that the Local Government Board, who have the framing of all rules in workhouses, are always exceedingly willing to consider any suggestions that we have to make for the better treatment of lunatics in workhouses, and as a matter of fact it was on our recommendation, years ago, that in a matter like the bathing of the patients the Local Government Board framed rules.

26046. Is it desirable that you should, as a Commission, have that power to regulate the treatment?—No, it should be under the local controlling authority.

26047. Do you disapprove of the system in Scotland whereby the lunatic wards in poor-houses are under the absolute control of the Lunacy Commission?—Our own system acts very well, and I do not wish to see it altered.

26048. Do you understand about the present position of the Lunacy Commission in Scotland?—I understand it thoroughly.

26049. Do you think it a better working position than it is in England, or not so good?—They say it answers well in Scotland; let them be satisfied with theirs, let us be satisfied with ours.

26050. Do not you think it is reasonable for a Board of Experts like the Lunacy Commission to regulate the treatment of lunatics in poor-houses?—No, I think it is better to let the Local Government Board have entire control, because we know they always will be willing to consider any suggestion we make to them. You doubtless know the wording of the section giving us power to visit the workhouses.

26051. That does not apply to the drawing up of rules?—You cannot imagine that under that section we have power of making rules.

26052. I am not talking about present powers, but what the powers ought to be?—I do not think we ought to have power to make rules for the management of lunatics in workhouses; we find that, as a rule, recommendations which we make are carried out.

26053. (*Dr. Needham.*) I think there is confusion as to what the rules are. You are referring to statutory rules which the Commissioners have power to make, which have nothing whatever to do with the management of the institution.

26054. (*Dr. Dunlop.*) Have the Commissioners no power to regulate the management by rule?—The only way in which we can have any control of the asylums as regards the rules, is that the Committee are obliged to make rules for the government of their asylums. Before these can come into force they have to be submitted to and approved by the Secretary of State, and we are the advisers of the Secretary of State with regard to those rules.

26055. Is it desirable that the Commission should have wider powers in this respect?—I think not.

26056. Your opinion is that the Commissioners should have nothing to do with the making of rules for the treatment of lunatics in workhouses?—No, not in workhouses, not any absolute power; we have an advisory power.

26057. Do you think it advisable that the Lunacy Commission should have power to lay down rules as regards the treatment of lunatics in private dwellings, the boarded out lunatics in the quarterly list. Is it a proper function for a Lunacy Commission?—Yes, I think perhaps it might be.

26058. You deal with the pauper lunatics there, but not in the workhouses?—At present it does not come under our cognisance.

26059. You receive reports of their existence?—That is all. All we can do, when a report by the medical officer is adverse, is to write to the Guardians and ask them to investigate the case. The result, however, generally is that, instead of any improvement being made in the condition of the patient where he is, he is at once carted off to the asylum. That is the usual effect of our remonstrating in a case where there is any unsatisfactory treatment of an outdoor pauper.

26060. I think I gather from your answer that it is desirable that the Lunacy Commisisoners should have power to make rules to regulate these boarded-out paupers?—Perhaps it would be desirable; we should have more authority over those people than we have at present. At present they are about the only class of lunatics over which there is no direct authority.

26061. One of the duties of the Commissioners is to visit every institution where there are alleged to be lunatics?—Do you mean Section 206?

26062. Are you often called upon to exercise your powers under that section?—No. We very often exercise it under the two previous sections.

26063. Does it never come to the knowledge of the Commissioners that persons of unsound mind are detained in other institutions; you say you never exercise these powers?—We exercise our powers usually under the two previous sections.

26064. Does that come to the same thing?—To a certain extent; not quite.

26065. The Lunacy Commissioners, when they have reasonable ground for suspicion, do not themselves visit the institutions?—I do not remember a charitable institution, since I have been a Commissioner, in which we have had any knowledge or any suggestion of a patient being confined who was supposed to be insane. I do not remember one since I have been on the Board.

26066. I suppose you are aware that there is a certain class of institution growing up under the authority of the Board of Education for dealing with defectives?—Yes.

26067. The border-line between a defective child and an imbecile is very fine?—It is a matter of degree, of course.

26068. Have the Lunacy Commissioners gone round to these institutions to know whether or not they are receiving imbecile children?—No, certainly not.

26069. Do you not think they have reasonable ground for suspicion that such children are received?—I do not think so; we have not had any reasonable ground for suspecting that.

26070. It has not been suggested to you?—No.

26071. Do you think it should be the duty of the Lunacy Commission to go round and inspect these institutions?—No. You must have a line of demarcation, where they come under the Education Committee and where they come under us. The only people who come under our jurisdiction are those who are certifiably insane, as lunatics, idiots, or persons of unsound mind.

26072. I suppose a person of unsound mind includes everything; everybody of unsound mind can be certified?—There must be degrees; there are many people of unsound mind whom you could not shut up as insane.

26073. Subject to the necessity of shutting them up?—Or certifying them.

26074. I have in my mind's eye one epileptic colony where there are several epileptic dements; would it be the duty of the Commissioners to go and visit that place, or should it be the duty of the Commissioners to visit an epileptic colony?—I do not think so, you could not turn our Board into a sort of detective Board. Wherever there is reason to suppose—and we do get information from time to time that persons of unsound mind are improperly detained, wherever there is reasonable cause to suspect that, we at once follow it up and do what is necessary, or obtain the Lord Chancellor's order to visit, or whatever course of procedure we consider advisable. It is not our business (and it would be most undesirable that it should be) to go into all the institutions in the country, or into the private houses, to search out whether there may be lunatics there.

26075. I was speaking of institutions likely to contain lunatics?—I do not think so; I think it would be most undesirable, it would be greatly resented.

26076. This power is not acted upon at present?—I do not remember any particular instance in which that particular section has been acted upon.

26077. And you have been a Commissioner since the Section became law?—No, I have not. I have only been a Commissioner nine years, and this is sixteen years old.

26078. Have you any strong opinion to express as to the advisability of it being the duty of the Commission to visit institutions for mentally defective persons, or not?

—No, certainly not; I think it would be most undesirable; it is such a question of degree.

26079. Putting aside the most moderate defectives that do not require institutional care?—Subject to what I said just now to Mr. Greene when he asked me.

26080. I cannot see your objection. I would like you to explain your objection to making it the duty of the Lunacy Commissioners to go round institutions and make sure that these institutions are not keeping lunatics and defective persons?—I do not think it is any duty of ours to be a sort of police inspector. We must have some reasonable information upon which we can act, in the first instance.

26081. Sworn information or written?—No, we do not wait for sworn information. We get a letter from someone, say in Kent, stating that somebody in the village is keeping several imbeciles. We at once take steps to find out whether there is truth in it. If we find that probably there is truth, we follow it up and ultimately may have to decide whether it is a case for a prosecution.

26082. One other point: that is the possibility of decentralising the Board; have you considered the matter of having a central board with subsidiary boards in different centres?—We have considered that; we think it would be undesirable; we have often talked it over and thought it would be very undesirable.

26083. Can you give us, in a few words, your reasons against decentralisation?—For one reason it is not a large enough matter. We feel strongly that our work should be done by the Commissioners as at present. That being so, there must be one headquarters.

26084. A head board in London with subsidiary boards?—No, not with subsidiary boards.

26085. Are you prepared with the answer, or shall I postpone it?—We have considered it, and think it would be most undesirable to have subsidiary boards.

26086. You said in answer to Mr. Dickinson that the English lunacy administration was as far advanced as that in Scotland at the present moment?—Yes, "quite as satisfactory," I said.

26087. I think it was the matter of advancement, he asked?—When you say "advancement," you mean merely experiments.

26088. A good deal further than experiments?—I think our lunacy administration in England is every bit as good as it is in Scotland.

26089. Have you got such things as observation wards in England, inspected by the Lunacy Commissioners?—You find observation wards in every asylum in the country.

26090. Outside asylums, for dealing with incipient insanity; reception houses outside the asylums?—No; there has been a scheme for having reception houses in London which we have rather favoured, but the cost has hitherto been regarded as prohibitive.

26091. You have not got them yet?—No.

26092. Can you tell me how many years it is since airing yards were abolished in Scotland?—Yes.

26093. And they still exist in England?—So they do in a good many asylums in Scotland. I should be very sorry to see them abolished in England. It is no credit to the Scotch system, I think, if they are entirely abolished.

26094. And there is the advantage of boarding out in Scotland which has not been tried in England?—It has been tried to a certain extent.

26095. In some ways you will allow Scotland is a little more advanced?—No, I will not, in any way; not in the least.

26096. We were speaking about the severe physical and mental strain of inspection; it is a very severe day's work?—Inspecting asylums of between 2,000 and 2,500 patients, which lasts sometimes three days, is very exhausting work, both mentally and physically.

26097. The duties of Lunacy Commissioners entail, occasionally, very exhausting work?—Yes.

26098. Do you think it advisable that the sixty-five retiring rule should apply to them?—No, I think not. The majority of the Commissioners are not appointed until they are forty-five to fifty years of age. Take for instance the last Commissioner who retired, Sir Charles Bagot; I think he was about the very best Commissioner we ever had on the Board; he was a man of wonderful physical strength and mental vigour, and was, at the age of seventy-three, of the greatest possible use to our Board.

26099. (*Mr. Greene.*) At seventy-eight, he died?—After seventy-three he began to fail a little.

26100. He resigned five years before his death, did he not?—No, three years before his death. He was acting as a paid Commissioner until he was seventy-five, and certainly the last two or three years he was able to do his work wonderfully well, with our sparing him now and then a very little.

26101. (*Dr. Dunlop.*) You will allow it is an acknowledged principle in the country that sixty-five is a very good age at which to retire, in the Civil Service; you say you are not civil servants?—No.

26102. And in the highest branch of the Civil Service?—Yes.

26103. Is there any reason known to you why that principle should not be applied to the Lunacy Commissioners? Is there any difference in a Lunacy Commissioner as regards his longevity or physical powers which puts him on a different level from civil servants?—My experience of the Commissioners is that several of them have been at their very best at about the age of sixty-five.

26104. What is your experience of Under-Secretaries of State?—I have had no experience.

26105. Or Prison Commissioners?—I have none.

26106. You cannot make the comparison?—No.

26107. (*Dr. Needham.*) With reference to the questions which were asked you as to the honorary Commissioners, you remember that Lord Shaftesbury was an honorary Commissioner, Sir Thomas Salt, Lord Emlyn, Mr. Davenport, M.P.?—Yes.

26108. Lord Milltown?—I did not know that.

26109. And Sir John Dorington; would not it have been a great disadvantage to the Commission if they had never had the services of these men?—Lord Shaftesbury, undoubtedly; Lord Emlyn too.

26110. Sir Thomas Salt was Chairman?—Not whilst I have been on the Board.

26111. Would it not have been a great loss to the Commission not to have had the benefit of the wide grasp some of these men had of matters generally. Does it not bring a new element into the Commission which is of great value?—I have been speaking rather of the last nine years during which I have been a member of the Board. If lay honorary Commissioners could be found who would attend regularly their presence on the Board would, as I said before, be an advantage.

26112. As regards hospitals, you were asked about the accounts. Is it not the fact that the hospitals are charitable institutions, and in consequence of that, great autonomy has been given to them?—Yes.

26113. There are only fourteen hospitals, therefore whether the accounts are carefully examined or not is not of very great consequence?—I do not think so; the Committee would be responsible for them.

26114. Do you think it is desirable that the people who are now boarded out, outdoor paupers, should be visited by some member of the Lunacy Board?—I am not prepared to go to that extent.

26115. (*Mr. Byrne.*) You said to Dr. Dunlop that you thought you required some further powers?—Yes, that the Commissioners should have some further powers in connection with them, but not necessarily requiring us to visit every one.

26116. (*Dr. Needham.*) Do you think if there were Assistant Commissioners it would be desirable to visit these people, who may be said to be in the position of boarded-out patients?—I think so; I had that rather in my mind. I think it would be an undue wasting of the powers of the Commission for a full Commissioner to have to visit such cases.

26117. As regards the legal members of the Commission, you have been asked whether the honorary Commissioners

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are the only new blood which is brought into the Commission. Is it not a fact that all the present legal men brought in new blood when they came into the office?—Of course; they did not come in direct.

26118. They did not come as Commissioners?—They had had experience in our office of the work of the Commission; that is what I mean.

26119. (*Mr. Greene.*) Before they became secretaries?—No, not before they became secretaries.

26120. (*Dr. Needham.*) Was it an advantage, their having the initial training in the office?—An immense advantage.

26121. As regards the introduction of women, you say you do not think it is desirable that there should be women inspectors; do you think it would be an advantage to have on the committees of, say, county asylums female members?—No, personally I do not.

26122. You do not think they would serve any useful purpose?—No.

26123. Can you tell us why?—I do not see any advantage in having them, and I think there are disadvantages.

26124. Are there no useful purposes they would serve upon the committees—I restrict myself to committees?—No, I do not think it is desirable.

26125. Would there be any advantage in having women who could go into the wards with the other members of the committee and pay periodical and rather frequent visits to the female wards in the asylums?—I do not think so, speaking of county asylums.

26126. (*Mrs. Pinsent.*) I should like to ask you, as regards the constitution of the county asylums committees, do you know at all what kind of people make up the committees? You spoke just now of people who were trained to look after lunatics. Take the asylum committees of county councils, what sort of people do you find on those; would they be trained people?—No, I did not intend to imply that the members of a Committee of Visitors were trained.

26127. Would you mind telling us why you would consider that a carpenter, or a farmer, or some working man on the Asylums Committee, is better qualified to look after women lunatics than a lady who would give up some time to do it? I only want to know the better qualification; is it a question of sex?—I think a woman going round with men would see and hear all sorts of things in a lunatic asylum which are very undesirable, and that raises certain difficulties.

26128. Does it not occur to you that women whom men inspect might also take that view? As regards the Government inspector whose duty it is to inspect the women's wards and to go carefully into all the small matters which concern women and women only, perhaps, in an asylum, has it ever occurred to you that it would be pleasanter, from the women's point of view, that the inspector should be a woman?—I think in a large public asylum it is much better for all these matters to be left to the medical superintendent. The medical superintendent occupies a very different position from the ordinary workhouse master.

26129. I should like to ask whether you have ever considered it from that point of view that a woman on the staff would be an advantage to the female patients; an advantage for them to have someone to whom they could speak on those matters which concern women only. I should like to suggest to you that this view has been taken to a large extent in America, and there they find women on the staff are, as far as we can hear, very useful?—Speaking from my experience as a medical superintendent, I should say no.

26130. (*Dr. Needham.*) As regards the duties of the Commissioners on their visitation, is it desirable, having regard to the qualifications and position of medical superintendents of asylums and the medical staff generally, that the Commissioners in going round should deal more largely with medical matters than at present? Is it desirable that they should be more inspectors and critics and not medical advisers? Do you think that their *role* should be that of critics or that of advisers?—I think they should be both.

26131. But I mean as regards medical treatment; do they go there as consultants of the medical superintendent?—No.

26132. Do you deprecate going as consultant to interfere with his medical treatment?—To interfere with his medical treatment, certainly.

26133. Also with reference to the Commissioners' inspections, is it desirable that they should limit themselves to being inspectors, and that they should avoid assuming the position of managers? Is it desirable to leave the management of the asylums to the managing committee; broadly and generally that the Commissioners should not interfere in the management unless there were something wrong with it?—Most certainly.

26134. Is it desirable that the Commissioners should have more power to enforce their suggestions and wishes, or do you think it is better for them to be advisory?—I think it is better to leave it as it is, as I said in reply to Mr. Greene—to be advisory; to leave it as it is now. There are instances which I cited, such as the Cambridge asylum, where it might be advantageous to have some more power to compel the Committee to do what we thought desirable, but generally speaking I think, no; it would be better that it should remain as it is.

26135. Have you known in your experience any asylum committee or any local authority, county council or otherwise, who have resented, and would resent very strongly, any dictation on the part of the Commissioners; for instance, take one point with reference to the adoption of plans: have you known local authorities resent the attempted imposition of a special kind of plan upon them?—I do not know that we ever positively insist upon any.

26136. No; but have you ever known any county council which has been unwilling to accept any suggestions made by the Commissioners, and would accept only suggestions made by themselves?—No; but perhaps I do not quite follow your question.

26137. Refused to accept the suggestions of the Commissioners?—No, they have been, at all events, willing to hear our suggestions. They have not invariably adopted them.

26138. You have not known them resent them?—No, I do not know that I can put my finger on a case in which they have resented suggestions.

26139. You were asked whether the Commissioners had tried to introduce the boarding out; is there any provision in the Act of Parliament which enables them to suggest boarding-out?—Not on the lines, quite, of Scotland.

26140. Can the asylum committee board out any patients from the asylum?—Yes.

26141. Under what conditions?—Under Section 57. "Where application is made to the Visiting Committee of an asylum by relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the Committee may, upon being satisfied that the application has been approved by the Guardians of the Union to which the lunatic is chargeable or the local authority liable for his maintenance, and, in case the proposed residence is outside the limits of such Union or the area subject to such local authority, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly."

26142. Is there any power by which the committee of the asylum can take the initiative in that matter. Can they of their own initiative board out people from the asylum?—No.

26143. There is no power?—No.

26144. Do you think it is desirable that there should be power given?—I should like to see it tried.

26145. Has it been raised ever in any of the Bills, or has it been discussed ever amongst the Commissioners, as to whether there should be introduced into a Bill power to deal with patients in that matter?—That is so.

26146. (*Mr. Dickinson.*) When?—The first Bill after 1891. I think it was one of the Bills introduced between 1891 and 1905, but I forget which.

26147. (*Dr. Needham.*) I suppose the difficulty of getting any Bill introduced into the House of Commons, or certainly of getting it through the House of Commons, has

not encouraged the Commission very much to press for fresh legislation ?—We have pressed several times.

26148. There has been a good deal of difficulty, I suppose ?—There has.

26149. There are a great many things, even now, which require to be remedied in the work of the Commission, and in the carrying out of the law, which have not been able to be accomplished because the Bill could not be passed ?—That is so.

26150. (*Mr. Dickinson.*) That is what I was asking. I understood from you that there were no additional powers that you wished for as a Commission ?—I did not understand that question.

26151. I asked you whether there were any additional powers which you thought the Commission desired ?—I thought you meant increasing our powers. The question of Dr. Needham was whether we sought for powers enabling the committees to board-out.

26152. (*Dr. Needham.*) As regards the promotion of fresh ideas with reference to building, you are familiar with the "considerations and suggestions to architects," issued by the Commissioners, dated 1904 ?—Yes.

26153. Do you remember the fly leaf: "The Commissioners are very desirous of not in any way discouraging the evolution of new designs for asylums, and many of the following are therefore to be regarded as suggestions only in any circumstances in which it has been decided to adhere to the forms of building which have hitherto been used" ?—I do.

26154. "The modern principle of arrangement, for which many advantages have been claimed, consists in the provision of a main building, a hospital for cases of acute sickness, their being of simple and inexpensive construction and arrangement, special provision for separate treatment of cases of phthisis and dysentery, for which buildings might be erected of inexpensive but fire-resisting construction." Are you familiar with that ?—I am.

26155. Has it been the practice of the Commissioners not to dictate what the form of the building should be, but to encourage very much the evolution of new types of building ?—Yes.

26156. So long as questions of expenditure have been duly considered ?—Yes; in the year 1898 I spent the greater part of my vacation, knowing it was the wish of the Board that we should be in as full a position as possible to advise committees as to the desirability of the villa system, at Alt Scherbitz and other places on the Continent; I spent a good deal of the vacation studying that system in order that I might be able from personal knowledge to advise committees when they sought our advice.

26157. Has not the villa system been introduced into some asylums ?—Yes.

26158. At Hellingly and Napsbury ?—Yes, and Durham, Morpeth, the Manor Asylum to a small extent, Cumberland, Abergavenny, and at Bexley, one of the London asylums; it is also being adopted, or it is proposed to be adopted, in plans which are now almost ready for submission to the Secretary of State in the case of the Essex Asylum.

26159. For cheap detached buildings ?—Yes, and we are constantly pressing for them to be made cheaper.

26160. When application has been made to the Commissioners to admit this kind of development, has it been favoured or discouraged ?—Favoured.

26161. With reference to the application of the London County Council as respects the new development in the treatment of epileptic defectives, did the Commission willingly accept the new departure which resulted in the building of the Ewell epileptic series of cottages ?—We did, and I should like to draw attention to the fact that in our report to the Lord Chancellor in the year 1903 we made this mention referring to the Horton Epileptic Colony: "This last-mentioned institution, some particulars of which were given on page 38 of our 56th Report, is the first asylum provided by the rates which has been built in this country on the colony system for the separate and special treatment of insane epileptics, and great hopes are entertained for its success."

26162. (*Mr. Dickinson.*) Are you able to tell us how long it took before the County Council could get the plans of that epileptic colony approved ?—I can tell you if you will allow me to send to the office.

26163. I can say that it took nearly two years. I was wanting to ask you why it was ?—By looking through the plans I could tell. It was a new system and no doubt there were all sorts of matters which had to be carefully considered; it involved large expenditure. It was through no obstruction on the part of our Board as to the system.

26164. I should have liked to know how it was that that new departure took nearly two years ?—I may say that all these plans take a long time, they involve enormous expenditure of money, and it is most important in the interests of the ratepayers that these plans should not be hurried through. We think that where there is an expenditure of perhaps nearly £500,000 incurred in the erection of these asylums, every point should be looked into as carefully as it possibly can be, and there is no doubt that it does take a long time. I should also like to point out that some of the delay which may occasionally arise is no doubt due to the Commissioners being overtaxed with work. Very often plans are delayed from our being obliged to go away on circuit, with the result that they must stand over until our return. That is one way in which the over-work of the Commissioners is manifested. Plans might be got through more quickly if more time could be given to them, and if they were not hung up for other work which the Commissioners must perform without delay.

26165. (*Mr. Greene.*) Does not the consulting architect do the work ?—We consult our architect, but, all the work passes through our hands and we ourselves deal directly with the local authorities on all points concerning it. The practice is, when a set of plans are sent in, for them to be handed over to two Commissioners, generally a legal and a medical Commissioner, to carry through the examination and amendment; and those two Commissioners are expected to control and be in touch with everything connected with that particular set of plans until they have received the sanction of the Secretary of State. It would never do to leave it entirely in the hands of our architect, if only because our architect will sometimes recommend amendments to which the local authorities take strong objection, and we have, as it were, to be a sort of final appeal between our architect and the Committee of Visitors and their architect, which we could not be if we were not fully *au fait* with the whole question.

26166. (*Dr. Needham.*) Do you remember an application being made to the Commissioners with reference to the building of a new asylum for the County of London, the idea of which was that it might be built on the cottage or villa system ?—I do.

26167. Do you remember whether there was any objection made to that ?—None whatever, but my impression is that at the time when the Asylums Board was so pressed for accommodation and it was thought that so much delay would be incurred in building an asylum on a new principle, that in order to avoid delay and to pick up some of the arrears of accommodation it was deemed desirable that another asylum, which is the Long Grove, now in course of erection, should be erected on the old lines in order that adequate time could be taken to discuss the plans for an asylum on the proposed new system.

26168. The arrangement by which the asylum would be built on the old lines would of course get rid of the necessity for fresh plans and the delay which fresh plans involves ?—Yes. I am only speaking from memory, but I think the whole thing was put through in about three months. It was just after the lamentable fire at Colney Hatch when additional accommodation was urgently required.

26169. Is it not the fact that there were 1,900 patients belonging to the County of London waiting for admission to asylums ?—I daresay quite that number.

26170. And it would have taken four and a half years to build an asylum on the new lines ?—Yes.

26171. And that was the only reason ?—Yes.

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26172. Not that the Commission wished to discourage development on new lines?—No, on the other hand, they wanted the committee to take that course in order that there might be ample time to construct an asylum, partly at least, on what is called the villa system.

26173. (*Mr. Dickinson.*) Were you present when the Deputation asked for that?—Yes.

26174. Am I right in saying that the Commission expressed their opinion that those who favoured such edifices as Alt Scherbitz had largely modified their views as to their usefulness and adaptability for the purposes required—it is quite accurate what you say, the point was the pressure, that you could not wait for that—but we also had this intimation from you at the same time?—I expressed this view to the Deputation that a great many of the patients in the Alt Scherbitz asylum, which is the one the Asylums Board proposed to take as a pattern, were persons who in England would hardly be in a county asylum at all, and that it did not necessarily follow that the accommodation which was thoroughly suitable for the class of patient they had at Alt Scherbitz was suitable for the patient you have in England in a county asylum. To this day I am not prepared to say that the best form of asylum which can be built is an asylum entirely on the villa system. What we wanted the Asylums Board to do was to discuss and thoroughly thresh out the whole question. We thought there were certain objections, both on the score of expense, and in the interest of the patients, as well as of administration, which wanted to be thoroughly threshed out, and we were very anxious that you should not go into the matter too hurriedly, and without very carefully considering all the points.

26175. (*Dr. Needham.*) Do you remember that in the 54th Report of the Commissioners of Lunacy, page 10, they say: "The arrangement of the buildings for the new East Sussex Asylum and of the Acute Hospital and Working Patients' Villas at the West Riding Asylum at Wakefield carries the differentiation of asylum buildings to a point further than has been previously reached in asylum construction in England and Wales, and we welcome this new departure as an experiment which is distinctly evolutionary in its nature, and to which, as such, we wish success. Should the present experiment succeed it would seem possible to differentiate expenditure as well as buildings, and while liberally providing for the recoverable those appliances which can minister to their recovery, to limit the provision for the chronic and helpless to a cheaper and simpler form of building and a less expensive machinery." Do you remember that being published?—Quite well.

26176. (*Mr. Byrne.*) As regards delays which occur, they are sometimes attributable, to a very considerable extent, to the delays of the local authority in first waking to a sense of their responsibility, and secondly, making up their minds how they will attempt to meet it?—Yes.

26177. That extends over several years in many cases?—Very often. I have an asylum in my mind now where we have been pressing for seven years for them to provide additional accommodation.

26178. Although the authority knows perfectly well that it will have to do it?—Yes.

26179. Does that indicate to you any improvement which could be made in your statutory powers, or the Secretary of State's statutory powers, to put an end to such a state of affairs? May I suggest certain courses to you? Would it be possible, in a case like that, in which, say, for a year or two years, you tell the Secretary of State that the accommodation at such and such a place requires to be supplemented, that the Secretary of State should direct you to hold a local inquiry immediately and report to him how that should be carried out? Would you approve of that, or would you leave it to your advisory influence?—I am disposed to let it remain to our advisory influenced. There are questions which delay sometimes the erection of an asylum for a year or two; perhaps the number of patients goes down, and the committee are hopeful that they are going to get over their difficulties without building.

26180. They have no right to hold such an opinion as that; you as experts can tell them that they are labouring under a delusion?—I think the great majority of them come up to their responsibilities fairly well.

26181. But fairly slowly; mostly several years behind?—I know. I think there is something to be said for the Committees; they have a very difficult position with regard to the ratepayers, and the ratepayers want a good deal of educating in regard to this heavy expenditure.

26182. And the elected bodies are fairly frequently replaced now-a-days?—Yes. We have powers, to report extreme cases of dilatoriness to the Home Secretary, and whenever we have had occasion to do so (it has not been very often) he has at once come to our aid and has done what is necessary. I think I would leave it as it is.

26183. Of course there will never be worse cases than the insufficiency of accommodation in Lancashire and London during the last few years?—No, I think not.

26184. As that period has been got over, you do not think it is necessary to do more?—In London of course they have had very uphill work; they have spent an enormous sum of money in fifteen years on asylum accommodation and provided many thousands of beds. In the case of Lancashire the delay is rather due to unforeseen circumstances over which the Committee themselves have had no control. There has been immense delay there, but owing to local opposition the Committee have had great difficulties to contend with.

26185. Roughly speaking, they have been arguing for months and years about a matter which competent people might have argued out in a fortnight?—They have, but in addition they have met with serious opposition which for years delayed the acquirement of a site for an asylum.

26186. May I put another case, and ask if you would like your powers supplemented there? If the sanitary condition of an asylum such as the Cambridge one were very seriously bad, would you still be content with your merely advisory powers? I think you told us that for seven years you warned the Cambridge people?—I think that perhaps in that case it would be advisable.

26187. You would like to have further powers?—Where there is a question of sanitation, a matter of health, I would like to qualify what I said to Mr. Greene. In a matter of sanitation it would perhaps be desirable that we should be able to enforce what we considered necessary.

26188. May I put another case? Would you like to have further powers, supposing the authorities of asylums used part of their plans of which you approved for one purpose, for another purpose which you considered undesirable?—Yes; we have asked, in one of the Bills, for that to be given. I am obliged to you for reminding me of that point. I should like to modify what I said this morning in this respect too. We have asked for powers for this in a Bill which was presented to Parliament, but never passed, but we hope to get it inserted in some future Bill.

26189. Would you like to have a general power of prescribing that the different parts of an asylum shall be used for the different purposes for which they were intended or shall not be used for a purpose which is undesirable?—That is what we want.

26190. That would apply to buildings becoming dilapidated and unhealthy or dangerous?—Yes. The reason why we desire that power is because sometimes, when asylums become overcrowded, the Committee are apt to use some of the day accommodation as night accommodation, with the result that the wards become seriously overcrowded by day.

26191. As regards such a situation as now exists in Lancashire and is coming to an end, you say generally you would like to stick to your advisory powers; would you like to be able to do anything more than you do now? Would not you like to have power of summoning these people to a conference and saying "you must decide at once, and we will help you in every way as to the nature of the accommodation you require." You have no power of that sort?—We very often suggest interviews. Section 247 says: "If the Commissioners report to a Secretary of State that any local authority has failed to satisfy the requirements of this Act as regards asylum accommodation, the Secretary of State may require the local authority to provide such accommodation in such manner as he may direct, and the local authority shall forthwith carry the requisition into effect."

26192. You have said that is a power which is very rarely used and has not even been thought of in connection with the serious defaults in recent years?—No, not used, but we have threatened in some instances to use it. I think I am right in saying that we have threatened the London County Asylums Committee more than once; but of late years they have made efforts to recover the lost ground, and we think they are now doing what can reasonably be expected.

26193. But Lancashire have not been; they are in arrears now substantially?—I think it is five years this month since I inspected a site for a proposed asylum for Lancashire, but owing to the opposition and the number of inquiries that have had to be held since by the Local Government Board and otherwise, practically four years have been lost.

26194. Before the site was approved?—Yes.

26195. I can tell you they have not begun to draw the plans yet. Should not that be pushed forward in some way; I do not suggest coercion, but should not there be some system by which the Commissioners should in a more public way than by a mere friendly letter call the local authority to a sense of its duties? When we go to the various asylums we see how the question of accommodation stands and report to our Board. Frequent letters are written in flagrant instances of neglect with a view to the provision of adequate accommodation, and in that way we bring pressure as we are doing now in the case of the Salop Asylum.

26196 You do not care to have any further powers?—I do not think so. That is my own view. I am not now giving the view of the Board.

26197. To what extent have the Commissioners a corporate opinion on a matter like that? You say it is a common custom for the local authorities to come in a deputation before you and consult you as to the accommodation they should provide, and you then advise them; have you got a common opinion on such a matter as that?—Yes If there is any doubt as to the policy to be pursued, before we see a deputation, we ask for an outline of the scheme, and if it presents any features which are novel, we discuss them and arrive at a decision as to what our policy shall be before we see that deputation.

26198. You would not therefore in any case say, "We think you should in this case build such and such an asylum, and we call upon you to do it"?—No. We have said distinctly, "We think you should build such an asylum," but we cannot say, "We call upon you to do it." Before I joined the Board I think an opinion was expressed that they should endeavour to build a cheap asylum for chronic patients in Lancashire. That idea was carried out to a certain extent, but after the plans were drawn for a building which would have been very suitable, the whole idea was thrown over, and instead of getting the sort of cheap building we intended, we could not do so, and were obliged to content ourselves with a building which was anything but cheap.

26199. For practical purposes the Commissioners act on a corporate opinion?—Yes.

26200. There is neither doubt nor hesitation; nor different streams of opinion?—No, not at all.

26201. As regards the work of Visiting Committees of public asylums, they are fairly energetic bodies, are they not?—As a rule.

26202. There is a great deal of unpaid inspecting and visiting work?—As a rule the Visiting Committees devote a great deal of time to the work. There are some asylums in which we have to draw them up a little with regard to visitation, sometimes we discover that the provision of the law requiring the Committee to see as far as possible every patient once in every two months has been neglected, then that forms the subject of adverse report to our Board and steps are taken to see that the omission is rectified.

26203. When the Commissioners go to an asylum, it is a very "spick and span" and well managed, highly organised institution, already?—Yes, as a rule.

26204. So there will be very little discovered; we are happy to say there is little discovered because there is little to be discovered?—As a rule.

26205. As a rule they are managed by competent authorities; perhaps extravagant; but competent?—Extravagant; not as a rule. *E. Marriott Cooke, Esq., M.B.*

26206. In great measure they listen to the medical superintendent wherever he is obviously right?—Yes, as Sir John Dorington indicated yesterday. 16 Nov. 1906

26207. You agree with that?—I do; I think it is the best way, subject to the Committee keeping certain important matters in their own hands. There may be in one or two asylums rather a tendency for the Committee to delegate entirely to their medical superintendent certain important matters relating to the patient more especially, which we think ought invariably to be reported and inquired into by them—I mean such matters as injuries to patients and suspected cases of rough usage. We do not favour that. We press urgently for inquiries by the Committee in such cases.

26208. You believe in formal inquiries into anything serious?—And press for them, and when we find as is sometimes the case, that the Committee will not, we hold a special one ourselves. We should like to hold more special inquiries than we do, but we have not the time. There are often inquiries which we should hold if it were possible for us to do so.

26209. The institutions are in a very satisfactory condition before you go; still scandals occasionally happen and continue, do they not?—Yes.

26210. There has been an asylum in the north of England in which the superintendent, to the knowledge of the Visiting Committee and of the Commissioners, was a drunkard, and criminally assaulted one of the insane?—I will not say "within our knowledge."

26211. Your guessing power?—No, not in the least. It came quite unexpectedly to us.

26212. Is not that rather a reflection on your powers as a Commission or on anyone who visited; the Visiting Committee all knew it?—I believe that was so. A man might be a drunkard and yet escape detection for some time at our visits, even if they were made more frequently. The Committee were responsible in this case, and being on the spot and knowing the facts, ought to have taken action.

26213. I do not want to press this matter; it is probably a unique case. It was a very scandalous case?—It was.

26214. Reflecting the greatest discredit on the Visiting Committee?—It was found out then and there.

26215. It continued for years; the misconduct and the tenure of office had continued for years?—You mean the particular instance in which there was a criminal assault?

26216. Have you any reason to think such things go on at all in England?—Occasionally we find an asylum which is badly administered, or in which there are defects. There was last year an asylum in which we discovered serious defects, but I do not think they had been of very long standing.

26217. Those defects were in the nature of immorality on the part of the staff?—Yes.

26218. Do you think the Visiting Committee ought to have discovered them?—In that particular instance we thought there had been laxity on the part of the Committee and told them so.

26219. It is a legitimate conclusion from that, is it not, that your visitation and inspection, in addition to the local authorities' inspection, is desirable?—We think it is highly desirable.

26220. If you did not exist, probably there would be more laxity?—Undoubtedly; we are very strongly of that opinion, that things would fall back.

26221. Have the Lunacy Commissioners a corporate opinion upon the subject of the employment of ladies on the Visiting Committees, and on the subject of female medical officers; you have never published anything on it?—With regard to ladies as members of the Visiting Committee that has not been considered. I have given rather a halting opinion about it to-day, because it is a matter I have hardly fully considered myself. It is so entirely new. So far as I can remember I have never heard it suggested before I came into the room to-day.

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26222. It would be useful in such matters as we have been discussing; in the case of irregularities?—Perhaps you will ask Mr. Urmson that question; it is not within my knowledge.

26223. Have they formed an opinion on the subject of the employment of female medical officers?—We raise no objection to them, but we are doubtful somewhat as to the advisability of the practice of it. We are not prepared to discountenance it.

26224. You have discouraged it, have you not?—No, we have not discouraged it; it has not been tried very largely.

26225. It has only been tried once or twice, has it?—There are four or five asylums, roughly speaking, in which there are lady medical assistants now.

26226. It is getting a fair trial?—I think so; on the whole it does not increase. In some instances where it has been tried it has been a distinct failure. I know of one superintendent who was most enthusiastic, and at whose asylum special quarters for lady doctors were built, but the practice of employing them there has been abandoned.

26227. At any rate, you think it is getting such a trial as it deserves?—Yes.

26228. If it is a failure, it will show itself?—Yes. As regards lady assistant medical officers, I could point to one or two who are admirable, but personally I have grave doubts as to its becoming a general system.

26229. The advisory powers of the Commissioners are exercised mostly by friendly talk and letters?—And in the reports.

26230. Which I presume most of these people read—every superintendent?—Yes, and of course the report by the Visiting Commissioners to our Board, which is left at the asylum, and read by the Committee at their next meeting.

26231. The Commissioners have never published any essay or treatise or criticism of the methods of treating lunacy, as their predecessors in the year 1847 did; you remember the report of 1847?—Yes.

26232. It was quite an interesting description of the methods then in vogue?—You will find in the annual reports many opinions of the Commissioners expressed from time to time on particular subjects, and also circulars that have been issued setting forth the Commissioners' views on certain subjects.

26233. Especially important matters such as mechanical restraint?—Mechanical restraint, attendants' salaries, attendants, all sorts of subjects. You will find a great many in the annual reports to the Lord Chancellor.

26234. Are the medical superintendents usually men who are highly distinguished as experts in lunacy?—Many of them have the best qualifications.

26235. They all have great experience?—Yes.

26236. They are all promoted from the lower ranks?—Yes.

26237. Are the greatest authorities on lunacy in England included among the medical superintendents, or are they among private practitioners and private asylum keepers?—Some of the great authorities on lunacy matters are in the county and borough asylums of England and Scotland.

26238. I want to ask some questions about a possible extension of the Commissioners' jurisdiction. It has been suggested that the Lunacy Board, if added to, might take over the work of the Masters. Can you give us any opinion on that?—I am afraid I cannot.

26239. Sir John Dorington put it that the Masters might swallow you, or you swallow them, and that if the Masters were attached to your office you would have them to carry out the work with which they were familiar, and yet it would add to your numbers; do you agree with that?—In saying I thought that under certain conditions it might be advisable that the Visitors should be merged with us I rather took it that the Masters would be affiliated to us as a department, much in the same way as the Visitors are now affiliated to them. If we were one department we should have to be the Visitors for the Masters.

26240. That is so?—I should think the relationship existing between the Masters and the joint department of the Commissioners and the Visitors would have to be the same as it is between the Masters and the visitors now.

26241. Can you tell us to what extent the Commissioners are concerned with the property of lunatics?—If, when we go to asylums or to visit single patients, we have reason to think a patient has a good deal of property, and to suppose that it is not properly protected, we report. That report is considered by our Board, and the Secretary is directed to obtain further information about the property. This is done by issuing what we call a property enquiry, and it depends upon the replies received to that property enquiry, whether we press for steps being taken, for the appointment of a Receiver under Section 116. There are also certain cases which come under the notice of our Board in which we act upon the powers conferred upon us of reporting to the Lord Chancellor that we consider a lunatic's property is not properly protected; and thereupon his Lordship takes such action as he thinks desirable.

26242. That is Section 100. That report, when laid before the Master, is equivalent to the initiation of proceedings before him by petition?—Yes. Those constitute our chief actions with regard to the property of lunatics. But also, when we visit a patient who has a considerable amount of means, we carefully enquire whether he is having such accommodation as his means entitle him to. That is another important part of our duty, to see whether patients have that care, comfort, and attention, carriage exercise and the like, to which their incomes entitle them.

26243. Am I right in understanding that in some of these cases the Lunacy Commissioners are so successful in eliciting the facts themselves by their own inquiries, and in obtaining assurances or security from the next of kin or person in charge of the patient, that the patient's property will be devoted to his use in the way they approve, that they leave it there?—I would rather you asked my legal colleagues that; that is one of the matters with which they more particularly deal. I think it may be taken generally that if there are trustees who are apparently satisfactory, and the arrangements are such that there can be no misappropriation of the property, we leave it at that.

26244. I will ask one of your legal colleagues, because I want a definite opinion as to whether the Commission would or would not like more distinct powers in this matter, or would rather leave it as it is at present and report it to the Masters, which, as you say in one of your reports, sometimes puts a poor person to considerable expense?—To my own knowledge it is very often a great hardship on some poor people; the management of the property and the application for a receiver entails an undue cost.

26245. Then it could be done in your office and no doubt would be done cheaper than by legal proceedings where fees are involved; all administrative work is cheaper than legal work?—Perhaps you will ask the legal members about that.

26246. Many suggestions have been made about higher grade imbecile people or feeble-minded people whom it is suggested should be put under greater control as to the way in which their detention should be brought about, and it has been suggested that the Lunacy Commissioners among others should have certain additional functions. For instance, if they were found in an asylum of which they had been in and out several times a year, and they would find themselves brought back very soon if they were released again, and the medical superintendent felt bound by the existing law to discharge them, that it might be right that the Lunacy Commissioners would have power to say "This man shall not be discharged, he is likely to fall into drink, crime, or insanity again, he shall be kept in a suitable place for more permanent detention." Would the Commissioners be prepared to take up that duty if it were thought fit to place it upon them? This is in pursuance of what you were asked when you first gave evidence. You then felt that the responsibility was too great to trust on the Medical superintendent and that some other thrust on the medical superintendent and that some other means should be devised?—It is a question which I have not fully considered, but speaking offhand, I am not sure it would not be better to give the power to detain to the

Visiting Committee who would have all the facts before them. We have always held that it is not our duty to shut up people, but it is rather our duty to release them and to see that they are not improperly detained. I am sure that it would not be advisable for such a duty to be imposed upon us.

26247. *Prima facie* you would prefer legislation giving definite power to the Visiting Committee?—Of course we have not considered that as a board. I think my own opinion is that it would be better for steps to be taken in that direction. I may say I hold it is most important that it should be done. I think the gravest injury is now done by turning out from idiot asylums and other places persons, especially women and imbecile girls who have come to maturity, when they are still in a weak-minded condition.

26248. If the Masters were amalgamated with you and carried on their present functions with you in your office and as part of your Board, they would be to a considerable extent exercising judicial functions, that is to say, you would be finding such and such persons were, on the evidence brought before you—the affidavits of medical men—incapable of taking care of themselves and their affairs, and you would be putting them under disabilities. You have no powers analogous to that?—No.

26249. Your powers over certification are few?—Partly to enable reception orders to continue in force, or to consider the advisability of their continuing in force.

26250. You have certain slight powers of ordering people into institutions?—By transfer. I take it those are merely imposed upon us to ensure that a lunatic should not be taken from one institution, or one house, to another, without our cognisance.

26251. Suppose amalgamation took place and these judicial functions were taken over, do you think your amalgamated Board could deal with them?—I do not see why not.

26252. Along with the normal duties of your Board?—Yes.

26253. Supposing the Masters, Visitors, and the Lunacy Commissioners were amalgamated and they were called the Lunacy Commissioners, would the present members of your Board in a short time be able to take over these judicial functions and do them as part of their ordinary work just as Master Fischer does now with the assistance of your staff?—There would still be Masters.

26254. Then there would not be amalgamation; I am contemplating amalgamation between the Masters, Visitors, and the Lunacy Commissioners, so that the Masters and Visitors should cease to exist, or the Lunacy Commissioners should cease to exist, and you should all be called Masters, or all called Commissioners?—In the earlier part of my evidence I intended to convey that I understood in such an amalgamation there would still be Masters, and that their relation to the amalgamated Commissioners and Visitors would be very much what the relation is now between Masters and Visitors. I did not contemplate that it would be possible to do away with Masters.

26255. That is the question I am asking; you told me you did not recommend it?—I did not think it would be feasible at all.

26256. You do not think it would be advisable to bring the Masters into your office and make the carrying out of their duties part of the ordinary duties of the Lunacy Commissioners, adding to your numbers so as to enable you to do it?—I do not think so. I think they would want to be distinct officials.

26257. Will you tell us your reasons?—I think my answer would be that it is a matter altogether outside our ordinary visitation and functions; it is a duty by itself to administer the estates.

26258. It is very analagous to your duties of examining reception orders and continuing certificates?—But it involves investment of funds. I do not know fully what the duties of Masters are, but they involve very large questions affecting estates, funds, and accounts which could not properly be dealt with by the Commissioners.

26259. I am coming to that later. I am asking about the judicial functions first; the judicial functions of the Masters under which by affidavit, sworn evidence, and certificates they decide whether A. B. is or is not capable of taking care of himself and put him under disability if they think he is incapable; that is what I call their judicial functions. Could the Lunacy Commissioners take over that duty if their numbers were sufficiently increased, suitable persons, of course, being appointed to fill up any vacancies?—No, I think they had better be kept distinct. Supposing the Visitors were called Commissioners or we were called Visitors, I think they should be distinct from the Masters; there would be so much for the Masters to do, and their functions are so distinct from the duties of Commissioners, that I think it would be desirable to maintain the difference between the two, although the departments might be associated and called one.

26260. You see certain advantages in the amalgamation and having it under the same roof?—Yes, but the function of the Masters should remain as at present and those who have to discharge the duties of the Masters should be quite distinct from those who have to discharge the duties of the Commissioners.

26261. Supposing amalgamation took place and everyone dealing with lunatics were a Commissioner in Lunacy, and that included the existing Masters, would you think it a practical scheme that the Lunacy Commissioners who did Masters' duty should continue to do it and be relieved from inspectorial work, but should do it in your office and as part of your department?—I think they might do it as part of our department, but yet remain a different class of official from the Commissioners. All the Commissioners should be required to do the same work, and the same work as we now do, and that should not be mixed up with purely judicial functions of the Masters, nor with the other duties now performed by them.

26262. I understand you to say that you think the duties, although analogous and easily carried out in the same building, are so different that you ought to have two different sets of persons attending to them?—Yes.

26263. There is a good deal of Commissioners' work which is analogous to the judicial part of the Masters' work?—Yes, except that there is no question of a jury.

26264. A Master puts persons under disability every day of his life and there are only a few juries in a year, so the bulk of the work is done by the Masters?—I think it would be better to keep it distinct.

26265. You would not think that the legal training and close association with medical men engaged in the work would be an advantage to the Master in dealing with these cases, or the Commissioner with the duties of a Master—I do not think so. It is a matter of receiving evidence. The Master has expert evidence tendered by both sides. One of the advantages certainly would be that if the Master wished to have a medical adviser that could be arranged, if at any time there were a very difficult case. I have never been present myself, but I take it that all the evidence for and against is fully placed before the Master by the two sides, and medical evidence is called on each side, so the full medical view is placed before the Master.

26266. That is so. In the ordinary course it is office work; he reads the affidavits, rarely sees the person, and comes to a decision. That is rather like your work, reading orders and certificates and seeing that they are right. You would not see any particular advantage in bringing the Masters into your office?—No; further than that, I think there would be very distinct disadvantages.

26267. So that in any possible amalgamation you contemplate the Masters as still being outside?—Yes, though associated with us.

26268. But you would like to have certain additions to your powers to deal with property without going to the Masters?—Yes.

26269. You said you thought that paupers receiving outdoor relief in their own homes should receive more attention?—They receive none, practically.

26270. You said you thought they ought to be under inspection; do you think your authority is sufficient over individual lunatics in their own, or other private houses not kept for gain?—That is, persons of unsound mind who are not within our official cognisance.

26271. Take the two classes first; if they are not certified they are not under your cognisance; a person

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can be certified to be of unsound mind but not requiring care and treatment in an asylum ?—Yes.

26272. It has no legal effect ?—No legal effect.

26273. I am speaking of persons over whom you have at present no authority, such as lunatics and other persons of unsound mind, who are not kept for gain who are living in their own houses or with relations' under coercion, mostly; they are not single patients within the meaning of the Act and you have no authority ?—We have no authority and no knowledge of them.

26274. Have circumstances ever come to your knowledge, making you think there ought to be any authority over those; have you heard of scandals ?—Very seldom. Occasionally we hear of a case, which we follow up. No doubt there are a large number of people in those circumstances, but I believe the instances in which they are badly treated are extremely rare. From my experience I do not think there is any reason why we should have enlarged powers in that direction. It would not be well for every person in private care to have to be certified merely because he was insane. It should, as at present, depend upon whether he is received for payment, and whether he is not under proper care and control.

26275. Some members of the Commission have heard of cases of people who have been badly treated, kept in dirty outhouses ?—We should be very glad if our Board could be informed of those cases. We should take steps to find out the circumstances.

26276. What would you do ?—We should obtain the Lord Chancellor's order to visit if we were satisfied that there were grounds for doing so. We should have a report and judge whether it was a case for prosecution.

26277. How could it be a case for prosecution; I am, of course, not speaking of cruelty, but what other case ?—I am rather missing your point. There is "ill-using a lunatic."

26278. (*Dr. Needham.*) Section 206.

26279. (*Mr. Byrne.*) That section would be effective ?—That would be effective.

26280. You do not think you require any further authority ?—The "ill-using of a lunatic" clause is sufficient.

26281. Do you hear of many cases like that ?—Not very often. We hear of them in some way or other from neighbours or the police. There are various sources through which we hear of abuses. We are constantly getting letters. Of course, the correspondence which comes to our Board from institutions is one great safeguard against the ill-usage of patients in institutions, because every patient has the right to write every day, as I know to my cost, to the Commissioners.

26282. I want to go back to another point about workhouses. The effect of your evidence has been that the Lunacy Commissioners do not want greater power over lunatics in workhouses, because they have sufficient power by advising and conferring with the Local Government Board ?—That is so.

26283. That is a perfectly reasonable and proper attitud to take, but at the present moment the results of it are not perfectly happy, are they ? Most of the Commissioners here have been a good deal in the workhouses in all parts of the United Kingdom, and both in wards specially set apart for them or for imbeciles, and in the ordinary wards, we have found lunatics, and lunatics of a most unpleasant and admittedly dangerous condition, in some institutions, who were not going to be removed to asylums. That is an unsatisfactory state of affairs, is it not, admitting the facts ?—Of course there are workhouses and workhouses. The provision for dealing with them varies so much in different workhouses. Take Prestwich; their arrangements with lunatics in a detached building enable them to deal with a class for which another workhouse would be totally unfit. There are some workhouses in Lancashire where the arrangements are almost upon the lines of a small asylum, where there are padded rooms and all arrangements for dealing with dangerous people, at all events for a time.

26284. I am not referring to these cases; I am referring to the cases in which there is less perfect provision for lunatics, and to the residence of lunatics in places where there is no provision for them at all; that is to say in the ordinary wards. I myself have seen dozens, if not hundreds, of such cases. I have drawn the conclusion that it comes from the neglect of the medical officer to properly select these cases and to pack them off either to wards specially designed for their care, or to asylums ?—In some workhouses in Lancashire overcrowding has entailed very great difficulties upon Guardians, and they have frequently complained to us that they cannot get their cases taken into the asylum. It is a matter on which we often report, ourselves.

26285. That is one of the causes; want of accommodation ?—Yes.

26286. Do you think another cause is the neglect of the medical officer of the workhouse, his indifference to the importance of this question ?—Sometimes the medical officer of the workhouse will not see eye to eye with us.

26287. Do you think it ever comes from the injudicious orders given by Guardians that such persons shall not be certified ?—I do not think so. I think, on the other hand, there is rather a tendency sometimes to send cases off to the asylum, especially old senile cases, which we think should be retained in the workhouse.

26288. To sum up, supposing the facts are admitted, could you make any suggestion to us which would lead to the state of affairs being changed, because I must say several of the Commissioners have been shocked frequently in their visits to institutions by seeing lunatics shut up with practically sane paupers, and sometimes children, and lunatics of an objectionable sort too ?—That ought not to be, of course.

26289. How can it be remedied—should the Local Government Board take steps ?—I think the inspector might. Of course we confine ourselves strictly to the imbecile wards of a workhouse, if the patients are in the workhouse, but very occasionally we find that there are lunatics in the other wards of whom we have no cognisance.

26290. Still you do see them ?—Not always. Very occasionally we are told about them. "This one is not certified, this one is not in the imbecile wards, and therefore he is not certified;" that is a point to which we are constantly directing attention.

26291. You are exercising steady pressure against this evil ?—We are, if we find it.

26292. If anyone wants to complain, I suppose they should write to the Local Government Board ?—Yes, I think so.

26293. I want to ask how the orders are dealt with in your office; the orders of detention and accompanying certificates, and the continuing certificates, and the reports after one month's detention of private patients ?—I think your Commission yesterday asked for some information as to the numbers. I have them. The average daily number in the year 1902 of the reception orders, including urgency orders, was seventy-six.

26294. Is this a six days a week average ?—No, taken upon the year. The total for the year was 23,800, giving an average of seventy-six per day in 1902, as compared with an average of fifty a day in 1882; the medical statements at the end of the week, seventy-four in 1902 as against forty-nine in 1882. The month-end reports were eight a day, none in 1882; the continuation reports and certificates were 103 a day, as against none in 1882.

26295. The law did not provide for them then ?—No. Then there were the death certificates; the number of deaths of which notice was received in 1902 was 9,335, as against 4,875 in 1882; that is, nearly double. The Secretary deals with from about one-third to one-half of the seventy-six a day. That is the reception orders.

26296. Would you mind telling us how they are distributed; they come into your central register ?—They are registered, then they are sent round to certain of the higher clerks, they have a certain number of them; all the certificates are dealt with by certain clerks in certain proportions. That is the day on which they come in. Most of them are cleared off that day, as regards the clerks. Sometimes under great pressure, if there is a heavy Board meeting, or after a Bank Holiday

when the clerks are not there, there is an accumulation, and perhaps they are not all dealt with, but generally speaking they are cleared off. The marked or defective reception orders are laid before the Secretary the next morning. The rest of the certificates, what are called clean certificates, that is certificates which do not appear to require amendment, or in which the clerks do not see any technical errors, come before the Commissioner on duty, as do also the seventy-four medical statements, the eight month-end reports, the continuation reports and certificates, and the daily average of the 9,335 deaths.

26297. (*Dr. Needham.*) Which is about twenty-six ?—Yes; the Commissioner on duty looks through them all. I do not mean to say, as I think was rather implied yesterday, that we read every word of these certificates. I do not do so, it would be an utter impossibility.

26298. (*Mr. Byrne.*) To what extent does your experience tell you that you have to read them ?—After some experience in looking at these certificates, you can examine them very much more rapidly than at first. Probably I can read three certificates now in the same time, or grasp three in the same time as I could read one when I first joined the Board. There is a great deal in practice. Roughly speaking, I consider these certificates take me two hours a day, when I am in the office on duty. During that time I believe I have looked through them sufficiently to satisfy my mind that they are right. It is a good two hours' hard work.

26299. That refers to the clean ones ?—To the clean reception orders and all the other certificates I have just mentioned as being submitted to the Commissioner on duty.

26300. To what extent do you think it necessary that the clean certificates should go every day before a Commissioner ?—Originally none of these certificates came before the Commissioners at all. It was, I believe, as the result of what was said at the Dillwyn Committee, that the reception orders, especially in the case of private patients, were considered by the Commissioners first of all. I do not know that any reference was made to the subject in their report, but evidently the Commissioners of that day thought it was the view of the Dillwyn Committee that the reception orders were so important, as being the authority for depriving the patients of their liberty, that they ought to be seen and followed up to a certain extent by the Commissioners, and that was the beginning of it. Accidents, and some occasional scandals, have gradually increased the practice until I think the last which was decided, six or seven years ago, was that we should see every death certificate. To come back to the certificates, I do think there is a great advantage in it. We often find that a patient will say, "I am not here properly, I am sane, I have never seen anybody, I have never been medically examined." Well we are able to say, "Yes, we know you have, we have got your certificate, and have seen it." This often satisfies them and so does them good. I think that sort of sympathy extended to the patient does a great deal, and sets an example in the asylum.

26301. You do not mean that you are able to say to a patient that you have seen his or her certificate in the sense that you remember it ?—No, but we take to every asylum a name book, and we can assure them, "Your name would not be in this book if your certificate had not been seen by one of the Commissioners personally." Then with regard to death certificates, we think it very desirable that post-mortem examinations should be made in the case of lunatics. Many of the poor creatures are quite unable to complain, and from time to time gross instances of cruelty have been discovered by a post-mortem examination, injuries having been discovered on the post-mortem table of which patients were not able to complain during life. In that way we have been able to bring to justice attendants who have been guilty of gross cruelty. Therefore we think it is very desirable that we should watch the number of post-mortem examinations which are made. Unusual circumstances that have occurred prior to death have to be stated on the death certificate, as well as any injuries, and Coroner's inquests. We closely follow these up, with the result that in that way too we do much to check abuses, and certainly cruelty and rough usage of patients.

26302. Supposing you get a certificate from an asylum, "Death, colitis," and you get another a week afterwards of the same thing, would they be brought together in any way, or would you depend on the chance of your remembering ?—We have a book called the "Insanitary Death Book," in which there is an entry of everybody dying of typhoid fever, colitis, or other infectious or zymotic disease. This register is brought up to the medical Commissioner on duty. If he has a case of typhoid fever before him he turns up the asylum in question, and sees when the last occurred and whether there was any special enquiry made; In this way we keep ourselves in touch with the sanitary conditions of the various institutions.

26303. I understand this process is useful to the Commissioner ?—Undoubtedly.

26304. It adds to his knowledge. Do you consider it an undue tax on the time of such a highly-paid official, or do you think it so operates that it might be left as it is ?—I think it ought to fall upon us.

26305. It ought not to be left to the Secretary, or assistant secretary ?—No, and there are points that are purely medical which must be dealt with by the medical Commissioner from time to time. If my barrister colleagues are doing the work and there is a case upon which they have any doubt, that is reserved for consultation. The arrangement is that two Commissioners, a legal and a medical, are on duty week by week; they are responsible for the office for that week. They may not always both be there. Supposing the medical man is not there one day, the barrister will reserve for the next day, to talk over with him, any cases as to which he has any doubt.

26306. (*Mr. Chadwyck-Healey.*) What do you say to the practicability of a Lunacy Commission constituted something like this: So many medical Commissioners with visitatorial duties, so many legal Commissioners with analogous duties, two Commissioners to do judicial work and the work which is now being done by the Masters in Lunacy? Is not that a practical Commission ?—I take it that is very much what Mr. Byrne was suggesting just now.

26307. It is, but I am putting it in a concrete form ?—I think the Masters should be kept separate with a different title.

26308. What is there in the title; why not call the Masters 'Commissioners' and give them Masters' duties ?—Are not their functions purely judicial ?

26309. Suppose they are purely judicial ?—The Commissioners, I think, should be all of the same grade, able to interchange, and I do not think two of their number should be on an altogether different plane.

26310. Let me suppose you have a sufficient number of Commissioners, legal and medical, to interchange and do anything which the Commission might think fit, outside the judicial duties; is there any objection to appointing two additional ones to do the Masters' duty ?—It being understood that they were to confine themselves to that work, no. It would have to be clearly understood that that was their duty.

26311. You would have to define their duties, I agree ?—What occurs to me is, what is the necessity for the change ?

26312. Supposing there were a concentration of the other business, Chancery business and Chancery Masters, that would work all right ?—Yes.

26313. And you would have your two Masters practically acting as part of the Commission ?—Yes.

26314. (*Chairman.*) Is there anything you would like to add ?—Only one point in connection with the architect. I should have been glad to have been asked a few questions upon that point. The drawbacks to the present system of our criticising the plans is the difficulty of arranging a personal conference with our consulting architect. We are away from London a great deal on official business. When we are not away from our office our consulting architect has often other important engagements, frequently at a distance, hence the difficulty of our having that personal interchange of views which is so essential. As long as we have only a consulting architect it is almost impossible to expect him to give up enough time to enable

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the work to be done as satisfactorily and in the way it should be done. We think a competent person should always be available.

26315. (*Mr. Byrne.*) Would not the difficulty be prevented by having the possibility of consulting several architects?—No, I think not. We want somebody at our elbow whom we can have there day by day.

26316. You remember the remarks of the Commissioners in 1847 on the subject; they said they had employed and would employ several architects, in the first instance, because they did not want to employ anyone engaged on the particular asylums in question; secondly, because they wanted to have different views, not stereotyped views?—In those days the question of criticising the estimates and trying to cut down the expenditure was not considered. Now the Home Secretary is most anxious that we should pay special attention to that matter. During the year to which these notes refer we had to deal with something like 107 different sets of plans and contracts, some relating to matters of small moment, but others to matters of great magnitude. Then there is another point to consider in reference to this question. Some of the asylums are now nearly a hundred years old, and the number of plans and contracts must increase as time goes on, on account of the expensive remodelling and renovation that will be required, so that in that way there would be an increasing demand on our time. Further, we want a man whom we can send about more; our architect should go down and investigate proposed alterations and extensions on the site much more often than is possible at present. If you have a highly paid consulting architect he has not the time available, and he will not do it.

26317. Would the appointment of a permanent architect meet the whole of your requirements?—No. We want to have a competent architect attached to our office who would assist us generally, but in addition we ought still to be able to fall back in very large matters upon one of two architects specially skilled in asylum construction who would advise us as consultants. We ought also still to be able to consult one or more engineers of eminence in large matters of drainage and electric lighting whenever we consider this desirable—I have as yet arrived at no conclusion as to what the salary of our own architect should be.

26318. And farm buildings?—Yes. I think if we had more time and assistance we ought to be able to cut down expenditure a great deal more than we do in matters like that. We have not the time to devote to it. The present system has a tendency to cause, no doubt unwittingly, all new asylums and extensions to be built too much after the ideas of the consulting architect, who himself constructs many asylums. He affords us an enormous amount of help, but I think it is impossible, under the present system, to avoid the tendency I have indicated. Asylums after the design of the annexes at the Lancashire Asylum, the asylum near Chartham and the Caterham Asylum, which have many good points, are not erected now. Expense could be saved in future by some of us accompanying our architect to an expensively constructed asylum like Napsbury, and helping him to schedule everything which is too good or unnecessary, and instructing him to take care that they are not repeated in other plans or in specifications, or he might be asked to go down and indicate where £150,000 might be saved. There are many ways, I am quite sure, in which under a new system the cost of building might be largely curtailed.

26319. I suppose in the past expense has not been kept down, because the authorities did not believe anyone was in earnest in wanting to do it?—I do not think anybody is particularly to blame. Extravagance in asylum construction has gradually grown. It originated in the first place from a very laudable desire to place the insane in the very best conditions for promoting their recovery and alleviating their state, but it has got out of hand, and nearly every architect in the country who now builds an asylum wants to go one better than the last. Only by a very firm hand on the part of the Commissioners will it be possible to cut down expenditure, but to enable us to do it effectually more assistance must be given.

FIFTY-FOURTH DAY.

Monday, 19th November, 1906.

PRESENT.

The Right Hon. The Earl of RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B, K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

G. H. URMSON, Esq., called; and Examined.

G. H. Urmson, Esq.

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26320. (*Chairman.*) Would you be so kind as to tell us how long you have been a Commissioner in Lunacy?—Eleven years; I was six and a half years Secretary before that.

26321. Do you agree generally with the statement of the evidence which we have had given to us, and the statement of the Secretary?—Yes.

26322. (*Dr. Dunlop.*) You say you agree with this statement; have you any reservations to make on the Commissioners' statement?—No.

26323. You agree as to the appointment of medical Commissioners rather than legal?—Yes.

26324. What are your reasons for advising that?—I think there has been a bigger growth of questions relating to medical matters both at our offices and on our visits. There is a general feeling in the community, too, in its favour.

26325. Both in the office and inspecting?—Both.

26326. Do you think the medical Commissioners and legal Commissioner are equally efficient as inspectors, or not?—After they have been on circuit a year or two, certainly.

26327. After they have acquired some knowledge of lunacy?—Some knowledge of inspection.

26328. Do you not think a knowledge of lunacy is an essential; does not one require to know what a lunatic is?—Not to the same extent as a doctor does.

26329. Is it not essential for a Commissioner to understand lunacy?—To a limited extent. I do not profess to be an expert in lunacy.

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26330. You heard me ask some questions on Friday as to whether legal Commissioners can fulfil the statutory requirements of inspection. Do you agree with the answer then, that they could not fulfil all the requirements ?—I think that a Commissioner going round for the first time can no more fulfil all those statutory requirements than an ordinary medical practitioner would who had not had special training.

26331. Could the experienced legal Commissioner question the classification of patients ?—I think one very soon gets a very fair knowledge of what is a good classification or not a good classification.

26332. What about the state of bodily and mental health on admission; does that come to the front at all on inspection ?—No. May I explain that that is a revival of an old condition of things earlier than 1845 ? In those days there was no statement of the bodily and mental condition of patients supplied to the Commissioners on admission, and it was found that to inquire into those matters on a visit which might perhaps be eight, nine, or ten months after a patient was admitted, would be ridiculous; so under our rules we have prescribed that within seven days of the admission of a patient a statement of his mental and bodily condition shall be supplied to our office. We know, therefore, what his bodily and mental condition was on admission. If any question arises on that we pursue it further; so when we go to the asylum it is a branch of the matter which we do not really take up.

26333. Would you suggest that that should be omitted from the statutory duties ?—Yes; it is out of date; it is better dealt with under the present system of knowing what the condition is within seven days of admission.

26334. The suggestion is that one Commissioner should be able to make an inspection in place of two. Would you apply that to both the legal and medical Commissioners equally ?—Yes.

26335. Do you think one visit from a legal Commissioner is quite sufficient for efficient inspection ?—A legal Commissioner who has been round and has some information and knowledge. I do not think a general medical practitioner would go round single-handed for the first time. That is why we want to reserve power to have double visitation.

26336. You would extend that equally to both classes of Commissioners ?—Not to an asylum superintendent, if he were appointed, because he would know.

26337. What are your reasons for advising this change —it practically doubles the power of a Commission ?—I do not know that it does as regards the large asylums; it would as regards smaller institutions.

26338. It practically doubles the inspecting capacity of the Commission if one can act in place of two, does it not ?—In a way.

26339. Is that an essential change; are you much undermanned ?—Yes.

26340. How does that affect you ? Are the inspections made too rapidly or not sufficiently frequently ?—Too rapidly.

26341. Have you ever tried to make an estimate of what would be a proper rate for inspecting an asylum; how many patients would be one day's work for one man ? —No, I cannot say that I have.

26342. Could you give us your individual opinion ? Is one inspector capable of inspecting 500, 800, or 1,000 patients ?—800.

26343. In what length of time ?—Ten to five, with half an hour off—twenty minutes generally.

26344. Do you find an inspector can keep it up for all that time ?—You get fagged at the end of the time; the inspection is too fast.

26345. You would cut down the 800 then to a smaller number ?—Yes, I would work shorter hours.

26346. What do you think is the right length of time and the number of patients to see ?—If we were to work from ten to four, with half an hour for lunch, we could see 500 to 600.

26347. Assistant Commissioners are advised. What duties do you suggest to put upon them I would not suggest any, I would leave ourselves a free hand to depute them to do any work which was thought proper. I do not suppose we should ask them to visit asylums, except in cases of emergency. I would not give special work to them, I would not say, "You shall do the triennial workhouses," or "you shall visit single patients." I would reserve power for them to visit every class of patient.

26348. You would have them competent to do any work ?—Yes.

26349. If you are to have such competent assistants, why do you want to increase the Board ?—We only want assistants if there is increased work. We ask for two more Commissioners to do our present duties, to meet the present growth of the work; we only suggest Assistan Commissioners if this Royal Commission throws more work on us in respect to the feeble-minded, or outdoor paupers, or cases of incipient insanity, because we feel those branches of the work will throw upon us such a large amount of work that we should have to have eight or ten more Commissioners; you cannot work with a large number of Commissioners like that; the discussions at Board meetings would be endless.

26350. You do not advise, then, the immediate appointment of Assistant Commissioners ?—I think not.

26351. But an appointment, should occasion require ? —If more work is thrown upon us. Assuming that we have two more Commissioners appointed, if we find that through the growth of the ordinary work, or extra work thrown upon us, we want more assistants, we do not think there ought to be more than eight or nine Commissioners, therefore it ought to be done by assistants.

26352. Have you any information to give us as to how many visits a year should be made to an asylum ?—I think one is sufficient.

26353. Is one quite sufficient to supervise and to be intimately acquainted with all that is going on in these large asylums ?—I do not know about "intimately acquainted with what is going on."

26354. Presumably the supervising authority ought to know what is taking place in an asylum ?—Yes, I think one visit would do. We have power to visit twice if we think it desirable, or whenever we like.

26355. Do you think one, as a minimum, should be increased; is it not desirable to have two or four visits a year ?—I do not think so.

26356. Can you give any reason why different classes of lunatics should be visited such a varying number of times ?—I do not think they are visited such a varying number of times. May I take them step by step; asylums are visited six times a year by the Visiting Committee and once by ourselves—that is seven.

26357. Would you count the visit from the Visiting Committee as equivalent to the Commissioners' visit ? —No. It is a visit of inspection, the patients are all seen, the way the aslyum is being administered is seen, every part of the asylum is visited by the Visitors at their bi-monthly visit, and at the sub-committee's visits too.

26358. There is a very big difference between a visit of the Visiting Committee and a visit of the Commissioners; the Commissioners boast of being experts, do not they, and the Visiting Committee do not ?—We are not experts as regards the mental condition of patients in asylums; we have no power to discharge patients.

26359. Let us say you are expert inspectors ?—Yes.

26360. The Visiting Committee cannot legitimately boast of that ?—I do not know about that. I should have thought some of them would, after some experience.

26361. They are not necessarily so ?—Not from the beginning; they learn their business.

26362. Would you agree with me the visit from the Visiting Committee is not the same thing as the visit from the Commissioners ?—No, I do not agree with you.

26363. Do you say it is equal ?—No, I say it answers the purpose, it satisfies the patients and the public interest.

26364. Then why have visits from the Commissioners at all ?—I think it is desirable that all these public institutions should be visited by an independent authority, as we are; a Visitor is a manager of the asylum.

Questions 26365 to 26408.

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26365. They are the managers and you are the inspectors?—Yes.

26366. A visit from the managers and a visit from the inspectors are two very different things, are they not?—From what point of view?

26367. As regards satisfying the public as to the management?—I do not think so; I think the public want both.

26368. Is one visit per annum enough from the independent body of inspectors?—I think it is, in the present condition of our asylums.

26369. If it is, why in the Metropolitan licensed houses should they get six to eight visits from the Commissioners?—That is by statute.

26370. It has always been so?—It has always been so.

26371. Is it desirable for it to be continued?—Yes, I think so.

26372. For what reason?—So that every patient should be seen about once in every two months.

26373. Why should the Metropolitan licensed houses have six to eight each and the provincial houses only two?—The provincial houses have many more, they are visited six times by the Visitors and twice by us.

26374. Which is the more satisfactory condition, all the visits being done by the Commissioners or their being partly done by the Commissioners and partly by the justices?—I do not know; I cannot form an opinion.

26375. Which do you think is the more efficient inspection?—I have never been round with the Visitors so I cannot tell. They visit every patient; they visit every part of the house; their duties are the same as ours except regarding discharge.

26376. What are their qualifications?—They are magistrates.

26377. Does that imply any knowledge of lunacy?—No, there is a medical Visitor who goes with them.

26378. Why should a hospital have two visits a year and a county asylum only one?—A hospital is only bound to be visited once a year by us. As a matter of fact we visit twice. Every patient in a hospital is visited six times a year by the managing committee. They get the same number of visits practically—asylums, hospitals, and licensed houses, in one way or another.

26379. Your view is the visits are equally efficient whether made by the managing committees, Visitors, or inspectors?—I think the Visitors of the managing committee are efficient, the patients are satisfied.

26380. It is your duty to supervise the managing committee practically?—Yes, of a hospital.

26381. And of asylums; the whole management of the asylum; they are the managers?—We have to know something about the management of the institution.

26382. Regarding inspection of workhouses, are you satisfied that it is efficiently carried out, so far as insane paupers are concerned; are they sufficiently inspected?—Yes.

26383. Once in three years?—The larger ones are inspected annually.

26384. A certain number are only seen once in three years; is that sufficient?—They are seen by the Local Government Board inspector twice a year.

26385. Dual authority; is that satisfactory?—I think all overlapping authority is unsatisfactory.

26386. Would you advise any change in that procedure; should they be inspected entirely by the Local Government Board or should they be entirely inspected by the Lunacy Board?—By the Lunacy Board.

26387. And very much more frequently?—No, I do not say that.

26388. Once in three years?—It depends on the workhouse.

26389. Suppose there are half a dozen lunatics there?—I do not think half a dozen lunatics, if they are old chronic cases, need inspection so frequently. Some of these workhouses only contain one or two.

26390. Others contain ten to twenty?—Yes, they may.

26391. Once in three years would be quite enough for the inspection of them if they were handed over to you entirely?—If we had more Commissioners I think we should probably extend the visitation of the triennial workhouses.

26392. Do you not think it should be a statutory duty to do so?—No. Looking at all the workhouses I think once in three years enough having regard to the fact that they are seen by independent authorities too.

26393. Is it your duty to go into the workhouses and see whether there are any lunatics there?—No.

26394. It was at one time the duty of the Commissioners, was it not?—I do not think so; we do not now anyway.

26395. Can you tell me when that duty was stopped?—No; some long time before I joined it.

26396. What about the inspection of the outdoor paupers?—They certainly ought to be inspected.

26397. How often?—Once a year, as a minimum.

26398. Is that sufficient?—We have not seen them. We do not know the conditions under which they live. I think it ought to vary according to the conditions in which you find them. At the present time they are seen four times a year by the medical officer of the workhouse. He reports to us where they are, their condition, and the conditions under which they live. If his report is not satisfactory we make further inquiries.

26399. How often has it happened that you have made further inquiries in those cases?—I should say every quarter one or two cases turn up not satisfactory.

26400. They are reported by the medical officer not satisfactory?—Yes.

26401. Otherwise you accept the statement. You never institute inquiries on your own account—independent inquiries?—No.

26402. There is one other class of lunatic I should like to hear about; those confined in idiot asylums. Is the inspection of them sufficient—once a year?—No; personally I should like to see them visited twice.

26403. Why do you make an exception there?—They are not so frequently seen by other authorities.

26404. You make that a recommendation, that they should be seen at least twice a year?—Some; I think we should have power to visit more frequently.

26405. Has the Lunacy Commission sufficient control over this question?—I do not think so.

26406. In what way would you suggest that being amended?—A suggestion has been made in one of our reports on the topic; may I read that to you? This is what we said in our report for 1897: "We visited all these institutions during the year and are able to give a generally favourable report of their condition, and of the care and treatment of their inmates. But in our opinion the present state of the law as respects the safeguards for the proper care and treatment of this most helpless class of insane persons is very unsatisfactory. The Act which exempted these institutions from the full operation of the Lunacy Acts provides for the registration by us of any institution for idiots as to which we may be satisfied that it may properly be registered for that purpose, but there is no provision for the certificate of registration being withdrawn if the institution is subsequently made quite unfit and unsafe for its purpose, and plans for alterations in its structure have not be to submitted to or approved by us. The numbers to be accommodated and the occupation of unsuitable accommodation are not within our control. The rules which in asylums have to receive the approval of the Secretary of State have no necessary legal existence in idiot establishments, nor are there any penalties except such as are provided by the common law for ill-treating or neglecting the inmates, and the legal restrictions upon the improper use of mechanical restraint do not apply to them. We think it very desirable that these anomalies should be corrected."

26407. That is, in short, a general condemnation of the working of the Idiots Act from a practical point of view?—Yes.

26408. It would be more satisfactory to have idiots regulated by the Lunacy Law than by the Idiots Act?—I think so. The Idiots Act was passed in a very great

hurry; brought in and passed in a few weeks, and I have been told we never saw the Bill.

26409. What is your general impression of it; is it a success or otherwise; if it were repealed would it ever be missed?—I do not think so.

26410. Do you advise its repeal?—No.

26411. Why not?—Because we have been working fairly satisfactorily under it.

26412. I thought you told us the working under it was most unsatisfactory?—We want an extension of our powers.

26413. In fact you want all the powers you have under the Lunacy Act?—Yes, I suppose it would be better repealed.

26414. Have the Lunacy Commissioners sufficient control over all asylums, or do they want to have more control? Do you want more power of control over the management of asylums than you have at present?—Direct or indirect? Indirectly we can put pressure on them through the Home Secretary.

26415. Do you think that the Lunacy Commissioners should have more power and control over asylums than they have at present?—I do not think we want any more direct powers over them.

26416. Where do your powers come in at the present moment?—They are more in the way of advising and persuading them to do things.

26417. That is not actual power, is it?—No.

26418. Do you think the Lunacy Commissioners should have power to insist on recommendations?—If the Commission is going to run on its present lines, I think not.

26419. You are quite satisfied with the powers you possess at present, which are very small?—They are practically none.

26420. Only moral suasion?—That is all.

26421. Do you think, for instance, that it is advisable that the 4s. grant should depend on a favourable report from the Commission which would immeditaely give the Lunacy Commissioners the whip hand over all the asylums?—I never thought of that.

26422. I suppose you know that is the case in Scotland?—No, I did not.

26423. You are not prepared with an answer to that question?—No.

26424. On an off-hand opinion, would you advise it?—No; I would rather think it over.

26425. Are you familiar with the duties of a Chancery Visitor when he visits an asylum or a single patient?—No.

26426. You know the statutory duties?—Yes.

26427. Are you aware of a single duty that could not be performed by a Lunacy Commissioner?—*Qua* Visitor, no.

26428. Is a Lunacy Commissioner quite capable of performing the duties of a Chancery Visitor at the time of his visit?—Yes.

26429. Is a Chancery Visitor capable of performing the function of a Lunacy Commissioner at the time of his visit?—Yes.

26430. It is the same qualification, is it not?—Yes.

26431. (*Dr. Needham.*) Have you formed any opinion as to the desirability, or otherwise, of having women as members of Visiting Committees of county asylums?—The point arose and was considered at the time I was Secretary by the Commissioners of the day, in connection with an application made by Mr. Lloyd, who was chairman of the Birmingham Asylums Committee. Under the Local Government Act, 1888, when the first election took place, ladies were elected members of the County Council of London, and two ladies, Lady Sandhurst and another, were, I think, appointed as members of the Cane Hill Ayslum Committee. They worked very well and the thing answered. Subsequently a decision of the Law Courts decided they were not eligible for election, that the Act did not apply to women, and therefore they were ejected. From that time to this there has been no Visiting Committee containing lady members. Mr. Lloyd came to me and said he found it very difficult to get people to consent to go on the Visiting Committee at Birmingham, and he wanted to know whether it would be possible to get statutory power to appoint ladies members of the Visiting Committee. I said, "That raises a very large question, it would require some consultation with the Local Government Board and other public departments," and I suggested it might be possible in the next Lunacy Bill that power might be granted for Visiting Committees to appoint two or three outsiders to act as Visitors and in that way he might be able to get a lady representative. I said I did not know the feelings of the Commissioners on the topic, but if he would call in a week I would ascertain. I mentioned it to the Commissioners and they were all in favour of the idea. There are many things that a woman would confide to a lady Visitor that she would not confide to a man.

26432. That is altogether irrespective of ladies being inspectors; it is simply members of a Visiting Committee?—The Visiting Committee of an asylum.

26433. You think as members of the Visiting Committee that might serve a very useful purpose?—Certainly.

26434. Do you know why the Lunacy Commissioners are not members of the Civil Service for all purposes. As a matter of fact I suppose they are not?—No, not at all, not even the Secretary until the new Act. The reason, I suppose, was that they came in too late in life.

26435. Why too late in life? Why should the Commissioners be appointed too late in life?—Because the necessary qualifications of a Commissioner preclude his being appointed sufficiently young to earn a large pension at sixty-five. The ordinary civil servants come in at eighteen, nineteen, or twenty, and I suppose the average age of the appointment of a Commissioner would be about forty-five.

26436. Of course there is nothing in the law to prevent a man being twenty-seven when he is appointed, is there?—No, nothing that I know of.

26437. What would probably be the effect of appointing a young man to be a Commissioner in Lunacy, to supervise the superintendents of the different asylums?—I suppose the opinion of a young man of twenty-seven would not carry much weight in an asylum

26438. He would be, I suppose, younger than the superintendents and younger than a great number of the assistants?—Yes.

26439. I suppose the superintendents of asylums would resent that very much?—I will not say "resent" it, they would not pay any attention to him.

26440. If he were armed with certain statutory powers, such as have been suggested, the superintendents might resent it, but they would be compelled to take notice of it, would they not?—Yes, they would then.

26441. Would that produce a satisfactory state of things?—No, that would create friction, I think.

26442. Friction of an undesirable and serious character?—Yes, between the superintendents and the Commissioners.

26443. Is it very much to the interest of the whole service on both sides that there should be the present relations between the superintendents and the Commissioners?—Obviously, most desirable.

26444. I do not say relations of familiarity, but pleasant relations; relations without friction?—Precisely.

26445. As regards the workhouses, do you think there should be lunatics in workhouses at all?—I would prefer not to see them there.

26446. In which case the workhouses would fall back into what you would consider to be their proper position of having only sane people and having them controlled only by the authority which controls workhouses now generally, the Local Government Board?—Yes.

26447. It would not be any part of the duty of the Commissioners then to go and visit workhouses?—No.

26448. Is that desirable, do you think, that the Commissioners should not have occasion to visit workhouses, if other provision were made for the weak-minded people in them?—There would be no occasion to visit workhouses if there were no lunatics in them.

26449. Supposing the imbeciles still remained in the workhouses, do you think it is desirable that the practice should prevail, as in Scotland, of having the wards in which the lunatics are maintained licensed by the Com-

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missioners and that their certificates should be the only means of obtaining the 4s. grant; in other words that the 4s. grant should not be given unless the Commissioners were satisfied that the accommodation and treatment in the lunatic wards were satisfactory?—I think that is desirable.

26450. Do you think that the present system of having lunatics and imbeciles in workhouses, the Commissioners only visiting and expressing pious opinions, is not quite satisfactory?—Yes.

26451. I suppose if the Commissioners see anything of which they disapprove in the management of the imbecile wards in the workhouses, the only power they have of influencing the management is by making a report to the Local Government Board, and then the Local Government Board act; they have no power of direct action?—That is so.

26452. (*Mr. Byrne.*) Do you find that power effectual at present?—Yes.

26453. If you make a recommendation to the Local Government Board do you find it frequently carried out?—Yes.

26454. (*Dr. Needham.*) Would you say that the Local Government Board, when any matters are pointed out to them which require attention, do second the efforts of the Commissioners?—Yes.

26455. As regards the visitation of idiot asylums, would not it be an advantage if the asylums were visited more frequently than once a year?—I have said so already.

26456. You also expressed your view that the Idiots Act requires very large alteration?—Requires strengthening.

26457. So as to give the Commissioners more power?—Certainly.

26458. Have you any document that you can put in, or can you give us any information as to the work of the Commissioners; what the Commissioners do?—There is a memorandum accompanying a letter we sent to the Lord Chancellor when we made an application for an increase in the Commission which set forth in detail the nature of the work at the office. I think that sets out more fully than has been represented to the Commission the nature of our duties, how they grow, and of what they now consist. I do not know whether we might put in a copy of that memorandum. (*Vide Question 25323.*)

26459. (*Mr. Byrne.*) Have you any suggestions to make as to any mode in which the office work of the Commissioners could be reduced without disadvantage to the service?—I am afraid not. The present practice is that the office work is allotted to a legal and a medical Commissioner for a month. Those two are responsible for one or the other being at the office every day to look over the documents which are allotted to him to look over, but chiefly for the visits of relations and friends and patients themselves; you would be surprised at the number of people who come and ask to see a special Commissioner.

26460. How many visitors are of such importance that they should see a Commissioner? Do you have one a day?—Sometimes more.

26461. More on an average?—Yes. The last day I was at the office I had four. Last Friday when we broke up here I went to the office and found the superintendent of an asylum waiting to see me. He said he must see a Commissioner about a point of management of his asylum. I saw him; he would not be content without.

26462. So a Commissioner is quite necessary at the office?—Yes.

26463. If he is there he sees the important and interesting work that comes?—Yes.

26464. I suppose, as regards the mere doing of the work, the Secretary and an experienced staff could do the work themselves?—As regards the legal documents, yes. There are some medical questions also.

26465. The Secretary is a qualified gentleman, and I have seen your chief clerk several times on business; he is an experienced officer, is he not?—Not on all the topics with which we have to deal. He could not act as assistant secretary at all.

26466. He is confined to dealing with papers?—He has not the qualifications to deal with all those.

26467. He cannot take the Secretary's place?—No, a Commissioner always takes the Secretary's place for that reason; there is no one qualified in the office to take it.

26468. Under your rules you receive a considerable number of returns, and so forth, from the asylums?—Yes.

26469. Do you think the number of these could be reduced without loss in any way; the rules were made some time ago?—Yes.

26470. Very admirable rules they are, but are you entirely satisfied with their smooth working, or do they in some instances make too much work?—No, I do not think they make too much work.

26471. You get a return from an asylum whenever any *employé* of any sort is dismissed?—That is necessary.

26472. And yet you have no powers whatever over the staff?—No. We have power to prosecute; that is the reason why we get the notice, because if it is misconduct affecting the patients we make inquiry. In certain cases, if we think it necessary to prosecute we do, for ill-usage or neglect; we have no power over the staff.

26473. Are all the other returns you receive necessary; for instance, the seven-day return, is that of essential importance?—I think so.

26474. You cannot suggest any improvement as regards that?—No, I cannot suggest any reduction in that direction.

26475. Is there any other branch of clerical work in the office in which you can suggest a reduction or relief to the Commissioners?—No.

26476. Judging from my experience of the Home Office, you probably get a very large number of letters every day?—Yes.

26477. Including a large number of letters from lunatics in institutions?—Yes.

26478. We get about seventeen a day; how many do you get?—We get more than that; I get five or six a day myself.

26479. Perhaps you get thirty or forty a day?—I should think more. A letter sent to me is put in my pigeon hole and comes to me direct.

26480. Even the nonsensical scrawl of the lunatic who writes twice a week?—Once a day sometimes. They are put in my pigeon hole. The letters sent to the Commission direct are looked at by a clerk; I do not say they are all read, they are supposed to be all read; if there is any charge of ill-treatment or anything of that sort, that paragraph is brought to the notice of the Secretary.

26481. They mostly contain charges of ill-treatment, do they not?—No, I do not know about that.

26482. If a high official were to read or glance over all these letters an hour and a half of more or less valuable time would be wasted. In the Home Office many of them are never sent to a person of the dignity and position of a Commissioner or even of a senior clerk. Would not that be an improvement?—That is done as regards letters to the Board generally. If a letter is addressed to the Commissioners in Lunacy a clerk looks at it.

26483. These are all written to us—"Most private and confidential; to the Home Secretary; to be delivered to him personally"?—Those letters are looked at by a clerk; but if one is sent to me or to Dr. Needham individually, it will be in our pigeon-hole with our correspondence for the day.

26484. (*Dr. Needham.*) I suppose the Commissioners visiting asylums are constantly interrogated as to whether they have received letters which have been sent by patients?—Yes.

26485. If they were unable to say the letters had been received by them and had been looked at by them, they would be placed in an extremely unfavourable position in respect to the patients?—We should lose their confidence.

26486. (*Mr. Byrne.*) You would not use that as an argument for the Commissioners wasting their time over lunatic scrawls—that they should be able to say to the patients that they had been read by the Commissioners, because you could not say you had read his or her letter; you would not remember one out of 2,000?—No. I say

any letter written to me individually must come into my hands; that satisfies them.

26487. That you think makes it worth while? I will not press it any more; you cannot suggest any improvement?—No, I cannot.

26488. Are you satisfied as regards your powers in respect to asylum authorities? We have been told they are mostly of an advisory sort. Of course you have some compulsory powers; for instance, in the matter of rules which occasionally the Visiting Committee delay sending out?—I think we ought to have further powers; we ought to have powers to call upon them to submit their rules for revision.

26489. What remedy would you give in a case of neglect? Can you suggest a practical remedy?—A penalty.

26490. A penalty that might be sued for. The mere appearance of such a penalty would ensure compliance, perhaps?—Yes, I think so.

26491. The accounts of asylums are audited by statute, in the same way in which county council accounts are audited?—County asylums.

26492. There is no audit of stores of a similar character?—Not in all asylums. In some asylums they have had a very close audit of the stores for years past.

26493. An outside audit?—An outside audit.

26494. Are the Commissioners in favour of it?—Yes.

26495. Would they like to see it universal?—Yes.

26496. Have they power to enforce it?—No.

26497. Would they like to have power; would they like to be able to put it in the rules?—They would.

26498. Could you tell us whether the Commissioners would be in a position to give practical proof of the desirability of this improvement? Do you know cases in which serious public loss has occurred on account of the want of a proper store audit?—There is the notorious case of the Horton Asylum, where thousands of pounds were wasted through the stores not being properly audited.

26499. Which would have been impossible with a strong outside audit?—Yes.

26500. Have you other cases?—It has occurred more than once. We constantly find that the Visiting Committees object on the score of expense, though we point out that it only costs £40 a year; they still object.

26501. What would be the system of audit which you would recommend?—An outside independent audit for the stores.

26502. These outside auditors would have no power except to publish what they discover?—That is all.

26503. The local authority would publish the auditor's report every year?—Certainly.

26504. If they did not it would rouse suspicion?—Yes.

26505. You would not give the outside auditors legal powers of surcharging?—No, simply to report what they find.

26506. Are the Commissioners, as a body, in favour of special provision being made for the chronic harmless and quiet lunatics on a less expensive scale than is usually provided in asylums?—They have been advocating that for some years; as long ago as 1850 I think they began advising it.

26507. Do you advocate it very strongly now?—Yes.

26508. The asylum authority of a county might provide for these persons an asylum giving cheaper accommodation; on the other hand the Poor Law authorities might take the lunatics from existing workhouses and collect them in a sort of workhouse asylum. Which of those policies would you recommend?—I think I would keep it uniform; in the lunacy authority.

26509. You would not only take the lunatics out of the workhouses, but you would take them from the control of the Guardians?—I would.

26510. With regard to the persons who are not actually certified lunatics, but who are feeble-minded or imbecile, or persons occasionally certified and occasionally not, would you suggest the same; would you think that they should be dealt with by a lunacy authority and not by a Poor Law authority?—Yes, I think so.

26511. Do you think substantial economy would come from the adoption of such a policy?—I cannot judge that.

26512. You have recommended it partly with a view to economy, but chiefly in the interest of asylum management?—Of asylum management.

26513. To keep the hospital cases together and the chronic and harmless cases more or less together?—Yes.

26514. When you visit asylums you have to keep an eye on every department of the management, do you not?—Yes.

26515. You have to hear the complaints of the people, you have to hear about discipline and observe and examine all the sanitary arrangements and so on, and that on the female side as much as on the male. Do you think that your efficiency as inspectors would be improved if you had an equally qualified lady on your Commission?—It is difficult to say.

26516. A lady doctor experienced in inspectorial work?—If I may judge by the experience of lady doctors in asylums, I think not; they seldom gain the confidence of their patients, as far as I can make out. When I go round an asylum in which there is a lady doctor I generally find the patients prefer having a male doctor.

26517. Inspectorial duties are rather different from medical and managing duties in an asylum?—Yes, I do not think lady doctors are popular among patients.

26518. That is not quite an answer to my question?—No, it is not, but I have no means of judging.

26519. Have any details ever come before you in which you have felt inclined to say: "I wish there were a qualified lady doctor with me to deal with these"?—You mean delicate matters might arise in the course of a visit?

26520. Either delicate, or purely domestic matters of clothing, sanitary arrangements, and things like that?—They do not hesitate to talk to us of their clothing, or about delicate matters either.

26521. You have never felt the want?—No, I do not think there is any reserve on the part of patients due to the absence of a lady inspector; it never struck me so.

26522. That is to say as regards the patients. As regards the female staff, do you think you get as close an acquaintance with its real working and efficiency as a keen-eyed and competent lady would?—I do not know that I can judge.

26523. At any rate you have no strong opinion that a lady doctor, or any other lady, would materially help you on your Commission?—No.

26524. With regard to workhouse visitation, you do not as a rule go into the ordinary wards of a workhouse?—No, we go into those rooms where the lunatics chance to be.

26525. Most of our Commission have been through workhouses in all parts of the country, and we find, at any rate in a considerable number of cases we have seen in the ordinary wards, lunatics, some of whom struck the qualified members of our Commission, who advised the others, as being dangerous, some were obviously so to the non-medical eye, others were distinctly unpleasant, especially among children. That we know you have no responsibility for at all; the responsibility is entirely with the Guardians' medical officer and the Local Government Board, the supervising authority?—Yes.

26526. Our experience has been that the authority is not altogether well exercised. Do you think you ought to have any special powers in regard to these people, supposing your staff were sufficiently increased to make the work possible?—As to removing them from an undesirable workhouse to an asylum?

26527. Yes?—At the present moment we only do that through the influence of the Local Government Board.

26528. But you do not see them as a rule—the people in the ordinary wards?—One often comes across them when going through. Like you, I have observed some. I say: "Surely he ought to be on the list," and if he is not I suggest that he ought to be put on the list, that he should be removed.

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26529. Your experience has been that of our Commissioners?—Yes.

26530. That substantial evils are found in that direction?—Yes.

26531. Leaving out questions of staff entirely, would you like your powers to be increased in the matter?—Yes, I think one ought to have power to direct their removal to an aslyum. We have the power already; two of us have power to remove a patient from the workhouse.

26532. But as a matter of fact you do not visit workhouses?—I have only known one instance of exercising that power.

26533. You have probably seen many instances in which, if you could do it, you would do it?—Yes.

26534. That indicates that you would like some further power?—Yes.

26535. It is a matter that ought to belong to the Lunacy Commissioners, is it not?—Yes. Last year in one of the Yorkshire workhouses, the visiting Commissioner found thirty or forty people not classed whom he thought ought to be classed with the lunatics; he suggested in his report to the Local Government Board that this should be done, but nothing was done. The next Commissioner found the same condition of things prevailing, and the medical officer refusing to certify, and things got into an *impasse;* the only alternative was to prosecute for allowing these inmates to be in the workhouse without being classed. We got a Commissioner to have a little talk with the medical officer, with the result that he took a reasonable view and certified them all.

26536. Does this, to your mind, point out that some further powers are required?—Yes.

26537. In another place we found that the failure to certify obviously certifiable cases came, not from the unwillingness of the doctor, who was willing but a rather timid creature, but from the definite orders of an incompetent member of the Board of Guardians?—That has been the case more than once to my knowledge.

26538. Does that point to the same conclusion?—Certainly.

26539. In fact, under a sufficiently numerous and properly authorised Commission in Lunacy, such scandals ought not to exist at all?—No.

26540. The eccentricity of one doctor or Board of Guardians ought not to allow a departure from the ordinary practice of the profession?—That is so.

26541. Then you would like to have that power?—Certainly.

26542. If you had that power you would not have to exercise it often before it became well known, and it would have good results all over the country?—It would ensure certification before we got there.

26543. So you would not anticipate much trouble?—No.

26544. But just an improvement of the system and much greater comfort and welfare of the inmates of the workhouses?—I think that would follow.

26545. Is there any other department of your work in which you would like to have enhanced legal powers in addition to those which you have mentioned?—As regards hospitals I think we want further powers.

26546. Power to make rules?—Yes, and to insist on their being complied with.

26547. Do you, speaking as a representative Board, agree with all the provisions which have appeared in the successive Lunacy Bills which have been introduced?—Yes.

26548. Finally, with regard to your offices, I presume that the Commission would not mind furnishing us with tabulated details of the work which goes on there, as is usually done when a Departmental inquiry takes place, such as the number of letters issued, warrants and orders and the hours of work of the staff of the Commission when they are at the office, and also the number of days' travelling, such as Dr. Cooke gave us in regard to himself?—Yes, I have them here as regards our travelling for a year. I am afraid our office hours are irregular. It is rather difficult to send a return of our office hours.

26549. Would you do it in a rough form, so many days inspecting, or half-days; so many days or half-days at the office, just to enable us, if need be, to support your application for a greater staff?—Yes, I think all that can be furnished. (*The information was subsequently furnished. Vide Question 25323 ante, and pages 73 (col. 2) and 74 post.*) I suggest having power to insist upon revision of the rules of asylums. The same would apply to hospitals too.

26550. (*Mr. Greene.*) Do you think it would do just as well, instead of having statutory power given to you to make these rules, if the Lord Chancellor were to make rules, or if rules could be made by Order in Council by which from time to time incidental powers could be given to the Commissioners?—And do away with the Lord Chancellor's power?

26551. By Orders in Council instead of Statutory, so as to give you the powers to which Mr. Byrne has been referring, of having greater authority to enforce your orders and so on?—What would be the difference between an Order in Council and Statutory Rules by the Lord Chancellor? Do you mean that the Lord Chancellor would not have to consent to them?

26552. There are two or three ways. Mr. Byrne suggests that a statute should be passed giving you additional powers. I am suggesting an Order in Council, for a Lord Chancellor's Rule or Order might take the place of a statute and be more easy to get?—It would be much more convenient if it could be done.

26553. If it were done by Order in Council or by the Lord Chancellor you would be able to get, from time to time, such extended powers as the Privy Council might be led to confer?—Yes, with Parliamentary consent. The Lord Chancellor already has power to prescribe by rules under our Act.

26554. What has he power to prescribe?—It does not cover the points you mention.

26555. To you it would be immaterial whether it were Order in Council or whether it were the Lord Chancellor?—Quite.

26556. Now I want to turn to the Constitution. Are you in favour, or not in favour, of having any lay Commissioners, neither lawyers nor doctors?—Do you mean honorary Commissioners?

26557. Yes, honorary means unpaid; it does not refer to whether they are skilled people belonging to a profession; they may be honorary, and they may be grocers or hatters or anything else. I want to deal with lay Commissioners who are not specially qualified by belonging to a profession. Are you in favour of having lay Commissioners?—If the Commission is going to run on its present lines I should say, yes; I am in favour of it if you can get people who are keen about the matter and will take up office and attend. About two years after I joined there were five honorary Commissioners. Two years afterwards we got the full number of honorary members, they were all interested in the matter and attended very regularly, gave us the benefit of their advice, and brought outside influence to bear upon our views. As long as they continued they worked admirably. Of late years it has been impossible to get people to fill up the vacancy.

26558. Were those gentlemen laymen?—There was Mr. Salt; he was our Chairman. Then Mr. Wilkes; he was a retired Commissioner; there was Lord Emlyn, the present Lord Cawdor; he was an excellent man; then there was Lord Milltown and Lord Hatherton. Lord Emlyn had to retire because of his Great Western Railway duties. Then we had Mr. Davenport; he was a very regular attendant.

26559. You found that you got great benefit from those gentlemen who were non-professional?—Yes.

26560. Do you know that Lord Shaftesbury, whose name was introduced by your Commissioners, held very strong views on the matter of the lay element?—Yes.

26561. He went a very long way, I think: so far as to say that the lay element was considered to be of very great importance indeed in the working of the Commission: "I can say from very very long experience in this matter that the non-professional element, not only upon the Commission but among the visiting magistrates in the country and in every possible department relating to the treatment and care of lunatics, is of the most indispensable importance, and without it I am quite

certain that the whole system for the management and care of lunatics would fall into the greatest disorder and we should relapse into many of the errors from which we have been extricated"?—That is true to-day.

26562. I daresay you are aware that in the same Commission there was a suggestion that clergymen should be employed as Visitors, it being a cheaper way of doing it?—I was not aware of that.

26563. Was not Mr. T. J. Percival an authority in bygone days?—He was Secretary.

26564. Did not he hold this view, according to his evidence in the same Commission: "Clerical men might err at first, but I think they are entitled to acquire experience in the working of these hospitals as well as medical men; medical men have been walking hospitals for years and practising sufficient cruelty and causing the death of many patients, and are at last only arriving at a certain amount of knowledge how to treat these disorders."

26565. (*Dr. Needham.*) That is not Spenser Perceval, the Secretary of the Commission.

26566. (*Mr. Greene.*) Anyhow, the view has been held by important people for many years that lay members should be kept on?—Yes.

26567. I notice that in the statute of 1845 the words are that the Lord Chancellor "shall" appoint in case there is a vacancy. Under the present Act the word is "may" appoint. Do you know how that came about?—No.

26568. Would you like the word to come back to "shall" or "must" appoint?—I have been down to the Lord Chancellor's office four or five times in the last few years to talk over the question as to who could or would act, and they cannot get anybody.

26569. People will act as chairmen of asylum boards in the country, they will act on county councils and various other positions connected with this very subject; do not you think that a little diligence would find laymen to act, and why should not laymen be appointed, with payment, if necessary. My point first of all is the lay element?—You want to get the outside element in. I should be in favour of it.

26570. Do you see any objection to altering the statute so that if there is a vacancy, or if new Commissioners have to be appointed, one at least of them might be an unpaid layman?—No.

26571. Whether he is paid or not does not matter; do you see any objection to altering the statute to enable a paid laymen to be appointed instead of having a doctor or a lawyer? When a new Commissioner is added, why should not he be a paid layman?—There are a good number of legal matters which arise which a layman would not acquire for years.

26572. If you have a difficulty in getting unpaid ones, why should not you get a paid layman? Why should not he be one of the six, or, if there are seven or eight Commissioners paid, why should not he be a layman who is paid?—I think on the legal side he would not be able to carry out those duties; he would be of no assistance to his medical colleague.

26573. As regards the chairman, the chairman, I see, is selected by the Commissioners themselves; why should not he be appointed by the Lord Chancellor?—I do not think we have any objection.

26574. You might get an independent gentleman from outside, of sufficient distinction and ability to be able to initiate policy and to carry great weight on the Commission?—I think as a matter of fact the last two chairmen have been found by the Lord Chancellor.

26575. They must have been selected under statute by the Commissioners?—Yes, but they were appointed straight away.

26576. Forced on you?—No, not forced on us; we were anxious to get somebody.

26577. The appointment has to be by the Commissioners?—That is quite true, but the present chairman was certainly appointed that way.

26578. With regard to the medical members, under the Act of 1845, a physician or a surgeon had to be appointed?—Yes.

26579. It is a matter of construction whether he had not to be, as well as the barrister, of five years' standing; now it is a medical practitioner?—Yes. *G. H. Urmson, Esq.*

26580. A medical practitioner is merely somebody who chances to be on the register; no qualification by experience or standing is necessary. Section 151 says: "Every person appointed in the place of a medical practitioner shall be a medical practitioner, and every person appointed in the place of a barrister shall be a practising barrister of not less than five years' standing, and every person appointed in the place of any other Commissioner shall be neither a medical practitioner nor practising barrister." So in the case of the lawyer you have at least the qualification of practice, in the case of a medical practitioner you have neither number of years' standing nor any special experience or medical qualification beyond being on the register. In the definition clause "medical practitioner" is defined as "a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886"?—That is so; he need have no experience. 19 Nov. 1906.

26581. His *minimum* qualification might be that he was a licentiate of the Society of Apothecaries?—Yes.

26582. Or he might have a foreign or colonial qualification?—No, I think not; he must be registered.

26583. Colonial, at all events; the Medical Act of 1886 provides for the registration of colonial and foreign practitioners with recognised diplomas. Tables showing the foreign and colonial degrees entitled to registration are annually inserted in the medical register so that there might be people merely licentiates of the Society of Apothecaries here?—As long as they are registered.

26584. I want to know whether you think that is satisfactory or whether you do not think every medical practitioner ought to have some higher claim to distinction than merely being on the register?—I do.

26585. What would you suggest?—Practising for five years. My medical colleague suggests the qualification should be, Member or Fellow of the Royal College of Physicians or Surgeons. You would get the proper qualification that way.

26586. It would not follow from that, that he knew anything about lunacy?—No.

26587. Would you think there should be some special qualification or experience such as an ex-superintendent of an asylum or a person who has made lunacy a special study?—No, I should leave that to the discretion of the Lord Chancellor, who appoints.

26588. I am not suggesting that we have not got very excellent ones now, but do you think the qualification should be raised?—I do.

26589. Now lunacy matters are so much more studied, do you not think it is desirable that some of the three medical gentlemen should be qualified with experience in lunacy practice?—Certainly they are; or the majority is.

26590. When they are appointed?—Yes. The rule has always been, two specialists to one ordinary physician. That is the understanding; one outsider to two specialists. I should leave that to the Lord Chancellor.

26591. I am not sure that I got from you an answer whether you agreed with me that the Lord Chancellor should be the person who is to appoint the Chairman?—I have no objection; I think he might.

26592. There is no qualifying age, apparently, either for barristers or doctors except that they may both of them come in, one immediately he is admitted, and the other five years after he has been in practice. Do you not think it advisable to fix some standard of age?—No, I should leave that to the Lord Chancellor.

26593. About the ending of the career of a Commissioner, can you see any reason why there should not be an age limit for retirement, sixty, sixty-five, seventy, or some definite age?—I do not suggest going very often beyond seventy.

26594. You think some age limit should be imposed?—Not judging by my experience of the Commissioners under whom I have been.

26595. Do you mean that they have all been so old?—They have gone on to over seventy and worked very hard; done just as well as the others.

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26596. It is not a question at the moment what age should be fixed, but whether some age should be fixed ?—Yes, I suppose some age should be fixed.

26597. In many branches of the Civil Service and, I think, in the Army and Navy and among law officers in the Law Courts, definite ages are fixed at which retirement is compulsory. Do you see any objection to that with the Lunacy Commissioners ?—No, I cannot say that I do.

26598. Would you suggest any age ?—No, I would rather not.

26599. Is the work of visiting, travelling about all over the country in all weathers and in all seasons, suitable for persons very far advanced in life ?—Some, well advanced in life, to my knowledge have done it as well as the younger ones.

26600. That is an argument for fixing the age pretty high ?—Yes.

26601. What is your idea ; have you got any idea how high ?—No, I prefer not to say.

26602. With regard to the Secretary, is there any reason why the choice of secretary should be limited by statute to being a barrister ?—Yes, I think the duties are such that he must be a barrister.

26603. Why not a solicitor ?—Somebody of legal training, I meant.

26604. You would not limit it to a barrister ?—I would, personally.

26605. But you think certainly someone with legal training ?—Yes.

26606. If a sufficiently qualified solicitor could be found, would there be any objection to him, on principle ? —No, I do not know that there would. I should prefer a barrister.

26607. What work is there for which it is necessary to have a lawyer ?—All sorts of legal conundrums come in, even now ; we had two last week, to my knowledge, at the office.

26608. Do you think it is advantageous to continue that proviso in the section that the Secretary may be made into a Commissioner ?—Yes.

26609. You think it is good for the office that there should be continuity, and that Secretary after Secretary might become appointed and so have no fresh blood into the office except as Secretary ?—Yes.

26610. Do you think that is desirable ?—I think it is desirable there should be power to appoint the secretary.

26611. I do not know whether it occurs to you that there is very little new blood infused if this system is carried on ?—At the moment it so chances that all three legal Commissioners have been Secretary, but that was not so before.

26612. How many years does that extend, the continued succession of Secretaries being eleveated into Commissioners ?—I succeeded a Secretary who died.

26613. What date was that ?—That was in 1889. I was succeeded by Mr. Giffard also a Secretary ; he succeeded Mr. Frere.

26614. Was he a Secretary ?—No, he was an outsider. When Mr. Giffard went, he was succeeded by Mr. Shadwell, and during Mr. Shadwell's time Mr. Inderwick was appointed.

26615. Mr. Shadwell became a Commissioner ?—After Mr. Inderwick.

26616. Mr. Inderwick was not a Secretary. Has the system always been kept up of putting Secretaries up to be Commissioners ?—No, because when the vacancy occurred and Mr. Inderwick was appointed the Secretary was not appointed ; Mr. Inderwick came straight.

26617. I have not made myself clear. I mean Secretary after Secretary has succeeded to be Commissioner ?—The last three Secretaries.

26618. And the one before you—Mr. Percival ?—No.

26619. The Commissioners' salaries were fixed in 1845 ; are they sufficient ?—I think so.

26620. There is no difficulty on that score ?—No.

26621. There is superannuation for the Commissioners, is there not ?—A pension, yes.

26622. Is that fixed with reference to the number of years' service or to the age at which it shall come into operation ?—It is fixed according to the number of years' service *plus* added years.

26623. You said you would be good enough to let us know how many visits you paid, and how your time personally was expended for the last year or so ?—We will send that in. (*Vide "Summary of Facts and Reasons for an Increase in the Number of Commissioners" at foot of Dr. Needham's evidence, pages 73 (col. 2) and 74*).

26624. Is it necessary or desirable that there should be anyone to represent the Lunacy Commissioners in Parliament ? You have had Sir John Dorington for many years ?—He is not our mouthpiece in Parliament.

26625. Who is your mouthpiece ?—The Home Secretary.

26626. How do you get at that ?—It is by arrangement of the Offices ; it has always been so ; I never heard how it arose.

26627. Did not Sir John Dorington answer questions in the House ?—No, he merely looked after our interests as a member.

26628. With reference to amalgamation of the Chancery department with yours, that has been frequently advocated, has it not ?—Yes.

26629. In the Committee of 1859 ?—It has been in the air frequently.

26630. I think I am right in saying that it was recommended in the Commission of 1860, and a scheme for effecting it has frequently been suggested ; the Select Committee of 1859 recommended it in their report in 1860, and a scheme for effecting it is embodied in one of the appendices to their report. The present section is the outcome of the labours of the Dillwyn Committee—that is the section which enables the Lord Chancellor to amalgamate—the Dillwyn Committee recommended it ? —Yes.

26631. The Lord Chancellor has the power ?—Yes.

26632. Has any attempt been made by the Commissioners to have that put into force ?—No, it is rather an invidious thing for us to start.

26633. Is it your idea, if there is an amalgamation, that precedence should be given to the Lunacy Commissioners or to the others ?—We have no preference.

26634. Who should absorb whom ?—I do not care at all.

26635. Do you not think great economy might be achieved ?—Yes.

26636. And that the time is ripe for it ?—I do.

26637. Do you not think that by some alteration of the salaries of some people in the Chancery side sufficient funds might be obtained to strengthen the Lunacy Commission in a way in which you would like it to be strengthened ?—If we get the three Visitors, they get the same salaries as we do.

26638. The Masters get £2,000 a year ?—Yes.

26639. Possibly one of them, on public grounds, might be disposed to part with £500 a year so as to facilitate the appointment of an additional Commissioner ?—I cannot say whether he would ; I should think not.

26640. Do you not think the Chancery Visitors, or the number of Visitors, might be reduced. Is it necessary to keep up your six Visitors and three in Chancery, having regard to the number of patients that they have to visit ? —I think two would do for us, provided the Judge in Lunacy did not exercise the power he has of calling upon the Commissioner to go up and down the country reporting upon cases especially for him. It would hamper all the circuit and other arrangements. If I found myself on circuit in Northumberland and got a message from the Judge in Lunacy to go down to Cornwall to see a special case, it would break up the circuit work. If we had eight Commissioners their work would be allotted for the whole year round.

26641. It rather depends on the mode in which the amalgamation is effected ?—Yes.

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26642. There might be one Commissioner allotted for that kind of work?—The ninth man, supposing we had nine, might be allotted for this special duty.

26643. And to fill up places when a Commissioner is ill and cannot act?—No, I would not do it that way. We should have eight Commissioners working; the ninth, the odd man, would be visiting too, but he would be the man for the time being liable to be called for this special work.

26644. Do you know whether these visits up and down the country are very frequent?—No.

26645. Your answer will depend upon what we find as to the frequency with which the Judge in Lunacy has to send these gentlemen?—Yes.

26646. With reference to Assistant Commissioners, is there any reason why some part of your work could not be done by Assistant Commissioners; you recommend it, in fact?—Yes, because we find that if we get beyond eight we shall be an unwieldy body for consultation.

26647. What would be the function of the Assistant Commissioner?—Whatever work was deputed to him for the time being—no special work.

26648. I observe that you recommend, in anticipation of a suggestion by this Commission, that defectives should be brought under some central body?—Yes.

26649. But surely if Assistant Commissioners are to be used for inspection of defectives you are going to entrust them with a very difficult duty?—I do not know that we should; I do not think we should allot any portion of our work to the Assistant Commissioner; only certain work. For instance, supposing defectives were allotted to our Department, I take it the Assistant Commissioners would not be told off to look after that only; we should, too. Probably at first we should look after them, till we got the work started, and we should send assistants into the small workhouses and to look after single patients.

26650. I do not quite understand whether the suggestion which is put before the Commission is that Assistant Commissioners should be appointed by your body, or by the Lord Chancellor?—By the Lord Chancellor.

26651. Does the same remark apply about them, that the qualification should be somewhat higher than merely being medical?—Yes.

26652. As regards ladies, have you any experience of their work in connection with Home Office or Local Government Board inspection?—No.

26653. Assuming that we find they are satisfactory on these bodies I dare say you would be willing to accept it that they might be equally satisfactory in your Commission?—Yes, personally.

26654. Whether they should be Assistant Commissioners or whether they should be full Commissioners, or whether they should be inspectors only, is a matter about which you would be willing to be guided by the experience of other departments?—I think there would be a difficulty about their inspecting asylums. You mean inspectors only going round to see the women in these factories, I believe.

26655. Why should not the inspection of the female side be limited to ladies?—That has never arisen yet.

26656. We are hoping that we shall open our eyes and see something we have never seen, something improved, if possible. Do you not think ladies might well be allotted to inspect the female side of the lunatic asylums and hospitals?—They might, yes.

26657. Advantageously?—I am not so sure about that.

26658. In the asylums and hospitals the female side is administered by wardresses?—Yes.

26659. Why should they not be more effectively inspected by a woman?—They might be; I do not think it would make much difference.

26660. Has this matter been considered by your Commission?—No.

26661. Then they have no view against it?—No.

26662. You have been asked about the office arrangements, as regards letters. Section 41, I think, of the last Act, after the Dillwyn Commission, provided for the letters of patients being passed by the superintendent unopened?—Yes, to a certain extent.

26663. Does that lead one rather to suppose that the addresses should be the recipient's and not those of a clerk or a subordinate?—Yes.

26664. The principle is, I suppose, that if a patient has the right to send a letter without interception, the addressee ought to be the person to receive and open it?—I believe that is why we have ours.

26665. I suppose it does not take very long to get through the letters of lunatics?—I generally read mine in the train.

26666. Do you report to the Local Government Board or have any direct communication with them if you want anything enforced? If you see a local body is neglecting its work of sanitation or otherwise do you have to complain to the Local Government Board?—No.

26667. Are you brought into communication with them, or do they communicate with you if things are brought to their knowledge which are unsatisfactory at workhouses or asylums?—As regards workhouses, we communicate with them.

26668. The case of Cambridge has been called to our attention; I take this from your Blue Book this year. "An outbreak of enteric fever. The danger had been pointed out to the Committee of Visitors by our Board in October, 1904, in a letter addressed to them on the subject, being brought to our notice by the Local Government Board. In that letter we expressed the opinion 'that the matter is one which demands the immediate and earnest attention of the Committee of Visitors'" ?—They had neglected it.

26669. I want to know how you came to be in communication with the Local Government Board about the sanitation of the Cambridge Asylum. "The occurrence naturally gave rise to anxiety on the part of those responsible for the public health; therefore we welcome the proposal that the Local Government Board should hold an enquiry" ?—I suppose the attention of the Local Government Board was called to the risk and danger to the town and University of Cambridge, and they thought the matter so important that they communicated with us at once.

26670. That is abnormal?—Yes.

26671. Quite exceptional?—Yes. I think I can recall one other case in which they did it.

26672. You have no other power except to keep writing to the local authority?—No; to keep pegging away.

26673. They defied you till 1903 I see?—They are still doing so.

26674. Can they defy the Local Government Board too, or can the Local Government Board insist on the sanitation being done?—I do not know.

26675. Do you not think somebody ought to have power, when they see an asylum in danger for three or four years, and keep trying to get it improved?—Somebody ought to have power.

26676. Do you think that you could act jointly with the Local Government Board or that you should have power to act jointly with the Local Government Board?—I do not think any overlapping is desirable. I think one department or the other should have it, not in conjunction with the other. I understand that the Local Government Board have declined to take any further action in the matter.

26677. And you have no power to take action, however willing you might be?—No.

26678. So that the danger which you stated in 1903 "is one which demands the immediate and earnest attention of the Visitors" must continue?—Yes.

26679. Is that satisfactory?—Not at all.

26680. Suppose power were given for some central body like yours to overlook the condition of defectives in addition to lunatics, would it not be necessary to have some power to deal with a question of this kind?—Certainly.

26681. What would you suggest; that the new central authority should do it?—Yes.

26682. Should have power to do it, or should have power to insist on the Local Government Board doing it?—To call upon the local authority to do it.

26683. And if they did not do it?—*Mandamus*, I suppose; the usual thing.

26684. Or something better than *mandamus*, the Local Government Board to be able to do it or the County Council to be required to do it?—A *mandamus* generally answers, or has answered with regard to the deficiency of asylum accommodation. We had difficulty with Lincolnshire, where the asylum authorities were in default, and we reported to the Home Secretary, who sent requisitions to provide asylum accommodation and this step brought the authorities to book; the next step would have been a *mandamus*.

26685. You talked about *mandamus*?—Yes.

26686. And that frightened them?—Yes, in another case *mandamus* did not frighten them. That was before my time. Lincoln was in my time.

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26687. (*Dr. Donkin.*) I suppose when the Commissioners recommend Assistant Commissioners to be appointed in the event of there being additional work of the nature of supervising the mental defectives, they have it in their minds that it would be necessary, for that purpose, to strengthen the medical element on the Commission?—I think so.

26688. I quite understand what you said to Mr. Greene, that they do not propose simply to make the Assistant Commissioners do this work alone, but it was in their minds, in recommending these trained assistants, that they should be medical, because they regarded the additional work that would be imposed upon them as very essentially medical?—Very largely medical.

26689. That being the case, would it be your opinion that the Lunacy Commission, as at present constituted, with a numerical addition, or with an altered constitution (such as has been suggested in your answers to Mr. Greene with regard to the addition of laymen), would be the best body to deal with this additional work which might be imposed as regards defectives, taking it roughly to mean that there would be probably a large body of mental defectives of various grades treated as certified under a new Act and cared for in many institutions?—I think it is undesirable that there should be two bodies dealing with persons who are mentally defective, there would be friction between them at once; it is desirable to have all forms of mental deficiency supervised by one authority; if you set up another authority to deal with them there would be friction at once.

26690. What I wanted to get at was, that admitting the great desirability of having one body to deal with all, and also admitting that very largely the medical element would require strengthening because of this additional work, would it not be desirable to constitute the Commission rather differently from what has been suggested? Might it not be desirable to strengthen the medical element among the full Commissioners, who would have to deal with another and more difficult branch of work?—As at present constituted there would be a preponderating majority of medical men, even under the scheme suggested by Mr. Greene.

26691. It would be very slight, would it not?—Six honorary members; they would not be working Commissioners. The men who supervised and did the actual work in the office would be in the proportion of five doctors to three barristers, without the Assistant Commissioners who would all be doctors. You get a preponderating element of doctors. Mr. Greene's Honorary Members would attend Board meetings only, they would take no active part in visitation or management.

26692. (*Mr. Greene.*) Why not? If they were paid they could, and if they were not paid they should have the option.

26693. (*Dr. Donkin.*) Would you be prepared to admit that some special strengthening of the medical element on the full Commission having to deal with such an enormous amount of work, should be made *ad hoc*, supposing this new department were added?—We have said so ourselves.

26694. It would be regarded as special and somewhat difficult medical work, not to be done with complete efficiency by a layman?—I do not think so. I think the barrister Commissioners could go round, and would go round, defective institutions, quite as well as the others; after a time, any way.

26695-6. Would not you think it required medical men to inspect effectively?—To be purely medical, no.

26697. (*Mr. Dickinson.*) Could you provide us with a list of the persons who have been appointed Commissioners, and the dates of their appointment right away back?—Yes.

26698. Perhaps you would give us information as to what their profession was, as far as you know?—The paid, or the others?

26699. All of them. I am rather anxious to see how this disappearance of the honorary Commissioners came about; it has only been of recent years, I understand?—Yes, there were five in my time.

26700. Five until 1891, since then they have dwindled down to two; only since 1891, you have found difficulty?—I think there was a little difficulty before, in 1889. Lord Shaftesbury was alive almost up to the time when I was appointed Secretary. He had great influence and generally got men willing to act. On his disappearance the difficulty arose at once.

26701. What sort of attempt is made to get these vacancies filled?—I have been asked by the Board to see the Lord Chancellor's secretary, to see whether the Lord Chancellor could suggest anybody. Names have been put forward, but the gentlemen have declined; it is very difficult. The last three or four years I have been to the Lord Chancellor's office several times to see the secretary about it. *See* 34862.

26702. Has any attempt been made to invite well-known members of the Visiting Committee in the country who are interested in it?—There is no limit to the number of people who might be asked; anybody would be welcome who would take an interest in it.

26703. Have you yourselves suggested names?—Yes, we have, one or two.

The list of Commissioners asked for was handed in subsequently and is as follows:—

HONORARY COMMISSIONERS IN LUNACY.

Those marked * were Chairmen.
Those marked † were previously Paid Commissioners.

Name.	Date of Appointment.	Date of Death or Retirement.
*Rt. Hon. Lord Ashley (afterwards Lord Shaftesbury)	1845	Died 1st October, 1885.
Rt. Hon. Lord Seymour	1845	Resigned November, 1852.
Rt. Hon. Robert Vernon Smith (afterwards Lord Lyveden)	1845	Resigned 1860 (or 1861?)
Mr. Robert Gordon, M.P.	1845	Died May, 1864.
Mr. Francis Barlow	1845	Resigned April, 1886.
Lieut. Colonel Henry Morgan Clifford	April, 1853	Resigned April, 1872.
†Mr. Bryan Waller Procter	February, 1861	Died 4th October, 1874.
Hon. Dudley Francis Fortescue, M.P.	February, 1867	Resigned December, 1882.
†Mr. John Forster	April, 1872	Died 1st February, 1876.
†Mr. James Wilkes	April, 1878	Died December, 1894.
†Mr. William George Campbell	June, 1878	Died 13th June, 1881.
*Mr. Thomas Salt, M.P.	December, 1882	Resigned February, 1892.
†Dr. Robert Nairne	July, 1883	Died 5th November, 1886.

HONORARY COMMISSIONERS IN LUNACY—*continued.*

Name.	Date of Appointment.	Date of Death or Retirement.
Viscount Emlyn	May, 1886	Resigned February, 1892.
The Earl of Milltown	April, 1889	Died June, 1890.
Mr. Harry Tichborne Davenport, M.P. (afterwards Mr. Hinckes).	April, 1889	Resigned July, 1893.
*Lord Hatherton, C.M.G.	July, 1890	Resigned April, 1898.
Sir John E. Dorington, Bart., M.P.	March, 1891	
Mr. Victor Alexander Williamson, C.M.G.	December, 1893	Resigned August, 1894.
†Mr. John Davies Cleaton	January, 1894	Died December, 1901.
*Rt. Hon. Earl Waldegrave	January, 1899	
†Mr. (afterwards Sir) Charles Samuel Bagot	January, 1903	Died 21st July, 1906.

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PAID COMMISSIONERS.

Medical.	Legal.	Appointed.	Resigned.	Died.	——
Dr. Turner		4th Aug., 1845	11th Oct., 1855		
Dr. Southey		„ „ „	4th Aug., 1845		Dr. Southey, though appointed by the Act of 1845, never took up the appointment.
Dr. Hume		„ „ „		1st March, 1857	
	Mr. Proctor	„ „ „	14th Feb., 1861		
	Mr. Mylne	„ „ „		24th Nov., 1855	
	Mr. Hall	„ „ „		30th Oct., 1845	
Dr. Prichard		31st Aug., 1845		— Dec., 1848	
	Mr. Campbell	26th Nov., 1845	15th June, 1878		
Dr. Gaskell		1st Jan., 1849	19th June, 1866		
	Mr. Lutwidge *	24th Dec., 1855		28th May, 1873	Murdered by a lunatic.
Dr. Wilkes		7th Nov., 1855	4th April, 1878		
Dr. Navirne		— March, 1857	5th July, 1883		
	Mr. Forster *	19th Feb., 1861	8th April, 1872		
Dr. Cleaton		21st June, 1866	31st Dec., 1893		
	Mr. Phillips *	11th April, 1872		27th Sept., 1895	
	Hon. G. T. Howard	14th June, 1873	26th Nov., 1877		
	Mr. Bagot	4th Dec. 1877	31st Dec., 1902		
Dr. Williams		4th April, 1878	8th April, 1889		
	Mr. Frere	17th June, 1878		11th Dec., 1900	
Dr. Southey		5th July, 1883	30th Sept., 1898		
Dr. Allbutt		25th April, 1889	25th April, 1892		
Dr. Needham		6th April, 1892			
Dr. Wallis		18th Jan., 1894		30th Dec., 1897	
	Mr. Urmson *	12th Oct., 1895			
Dr. Cooke		13th Jan., 1898			
Dr. Coupland		28th Oct., 1898			
	Mr. Giffard *	14th Dec., 1900			
	Mr. Inderwick	1st Jan., 1903		16th Aug., 1904	
	Mr. Shadwell *	18th Oct., 1904			

* Had been Secretary.

The age on appointment of Dr. Turner, Mr. Hall, and Mr. Campbell is not known. The average of the other Commissioners on appointment was between 49 and 50.

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26704. With regard to the compulsion which has been suggested sometimes over local bodies, have you ever considered whether the Commissioners should have some power of recommendation with regard to the withholding of the 4s. grant ?—We have never considered that.

26705. That is a power they have in Scotland ?—Yes, but there is no 4s. grant in workhouses in England.

26706. No, I was thinking of your compulsion over lunacy authorities, the local authorities ?—No, we have not considered that.

26707. Would that give you power ?—Yes, the great power of the purse.

26708. You told Mr. Byrne that since 1852 the Commission have been advocating the establishment of cheaper buildings for chronic patients ?—Yes.

26709. In what way have you advocated it ?—By reference to it in our Annual Report.

26710. Have you ever pressed any local authority to do it ?—Yes, Lancashire. Lancashire wanted to build a general asylum at Winwick; we suggested that they should build one for chronic patients only.

26711. Have they done it ?—Yes.

26712. Is there any other instance ?—I believe the Banstead Asylum was originally built in the same way too. Banstead was a chronic asylum originally, now it is an all round asylum, the same as Winwick ; they convert them all in time, the pressure of new cases is too great.

26713. Can you tell me how many of these cheaper asylums for chronics you have managed to get introduced into the country in fifty years ?—I can recollect no others offhand.

26714. Then your pressure has not been very effective ? —No, I can only recollect that one.

26715. With regard to the lunatics in the workhouses, you have some power, have you not, by which you could compel a lunatic to be sent to the asylum ?—Yes, two of us can go down and make an order.

26716. Have you ever thought of exercising it ?—No, it has been exercised once, but we found the other power was quite efficacious.

26717. I understood you to answer Mr. Byrne that you wanted new powers for that ?—No, I think Mr. Byrne asked about new power to get them certified in the institution itself, in the workhouse. We have no power to compel their being certified in the workhouse. If we find a patient in the workhouse who is not suitable for workhouse treatment, two of us can make an order for him to be removed to an asylum.

26718. If he is certified ?— Whether he is certified or not.

26719. If you find a person in the workhouse, whether certified or not, who is in the opinion of two of you a suitable case for an asylum, you can make an order ?—Yes.

26720. Surely that is all the power you want ?—Yes, but Mr. Byrne suggested whether we should not have power to compel them to certify any uncertified person in the workhouse, not an asylum case. Mr. Byrne asked whether there were not a great number of obvious lunatics in workhouses who are not certified there, who are in the ordinary wards.

26721. And who ought to be in the asylums ?—No, in workhouses.

26722. (*Mr. Byrne.*) What I intended was that you should have the duty of going to see them, and on finding them, that you should either certify them yourselves or get someone else to certify them, and have them treated as lunatics ?—In the workhouses ?

26723. In the workhouses or in any other appropriate place.

26724. (*Mr. Dickinson.*) The answer is that you can send them to an asylum. Two of you can give that order. What power do you want ?—If we find lunatics in the workhouse who are suitable for workhouse treatment, but who are not certified, we want power to place them on the lunatic list in the workhouse itself.

26725. If you compel them to be certified now, they must go to an asylum ?—Yes.

26726. How does that come about ?—That is the only statutory power we have. I do not know how it arose.

26727. You cannot compel a person to be certified unless he is to be taken to an asylum ?—That is it.

26728. Could you, in giving the information for which Mr. Byrne asked as regards particulars of the office, also give us the number of Board meetings which the Commissioners have held, say, during the last five years ?—I think I can answer that question now. With the exception of August and September, which are holiday months when we have Board meetings as we can get them, they are held every week.

26729. Could you give us a list of the attendances for the last four or five years ?—Yes.

The list was handed in and is as follows :—

BOARD ATTENDANCES.

November 18th, 1903, to November 9th, 1904.—Fifty-four Meetings held. Attendances :—

Dr. Needham	40
Sir C. Bagot	33
Mr. Urmson	32
Dr. Cooke	32
Mr. Giffard	32
Dr. Coupland	22
Mr. Inderwick	18
Mr. Shadwell (only just appointed)	3
Sir J. Dorington	4
Earl Waldegrave	1

November 16th, 1904, to November 8th, 1905.—Fifty-one Meetings held. Attendances :—

Dr. Cooke	35
Sir C. Bagot	33
Mr. Shadwell	32
Mr. Urmson	31
Dr. Coupland	31
Dr. Needham	29
Mr. Giffard	22
Sir J. Dorington	5
Earl Waldegrave	1

November 15th, 1905, to November 14th, 1906.—(For several weeks could not get Board). Forty-six meetings held Attendances :—

Mr. Shadwell	30
Dr. Coupland	27
Dr. Needham (ill part of time)	25
Dr. Cooke (More than usual on circuit)	25
Mr. Giffard	21
Mr. Urmson (ill part of time)	15
Sir C. Bagot (ill part of time)	11
Sir J. Dorington	4

26730. (*Chairman.*) One or two questions about these honorary Commissioners. You have told us that a few years ago you had five of them and they were extremely valuable members of the Board. Did they do any visiting ? —Lord Milltown went to see one or two institutions.

26731. Only casually ?—Only casually ; he went with the Commissioners.

26732. He did not count as one of the two ?—No, he went simply to see how the inspection was worked.

26733. Is there any reason why an honorary Commissioner should not be one of the two who have to visit according to the Statute ?—I believe there is no power.

26734. In what way are they of great assistance to you ? —In this way ; that if we had a discussion with the local authorities and they found that these honorary members took our view, it had much greater weight. They helped us largely in that way.

26735. Did they attend very regularly at Board meettings ?—Those five I mentioned were very regular. The old honorary members were very regular indeed and they were extremely useful in helping us when we had questions of policy with local authorities. At the time when the Local Government Act was coming into operation there were all sorts of questions cropping up, and it was most useful having their opinion backing us up when we came, I will not say into conflict with them, but into discussion with them. When they saw that these outsiders, as they call them, agreed with our views, they tumbled to our views much more rapidly ; it removed friction.

26736. (*Dr. Needham.*) Do you not think it is desirable that the 5,000 pauper lunatics who are boarded out should be visited by the Commissioners ?—Yes

26737. Would not that be very desirable, independently of any addition made by this Commission; that there should be Assistant Commissioners who would discharge that work, amongst other work?—Yes, some of it.

26738. Do you think, or do you not think, that it is desirable that an alteration should be made in the law which enables committees to board out patients from the asylums in convenient localities?—Yes.

26739. You think that would be a matter which should be considered, with a view to its being carried out if possible?—The failure of the present system is due to the conditions with which it is hampered. The Visiting Committee cannot initiate this now; it is desirable that they should. At present it can only be done at the instance of friends.

26740. Do you think it is desirable that it should be extended as largely as possible?—Yes. There is one county in England where they are trying the boarding-out system, Suffolk; but the mental superintendent has really taken it up on his own behalf; he is placing eight or ten patients out and he finds great difficulty in doing it. He does not act on the Statute; when he finds a place he writes to the friends to ask if they are willing.*

26741. This was done in the County of Sussex to a large extent?—Yes. When he was there there were thirty or forty lunatics boarded out, but the thing did not take on.

26742. It might be done to a large extent in suitable localities?—Yes.

26743. (*Mr. Byrne.*) Do they get the 4s. a week?—No, they get the same allowance as in the asylum; it would include the 4s.

26744. (*Dr. Needham.*) With reference to lunatics in workhouses and with reference to the provision of cheap asylums, does it not occur to you that the building of chronic asylums only, has not been an unqualified success?—No, because they have been converted into general asylums under pressure of circumstances.

26745. In the county of Lancaster it has been found that the building of a chronic asylum and relegating people to this so-called chronic asylum, has had a most disastrous effect?—That is so.

26746. In what way?—On the patients.

26747. In what way?—When I went to Whittingham Asylum it was looked upon as a sentence of death to be sent to Winwick, by the patients.

26748. Did you have that expressed to you?—Yes.

26749. (*Mr. Dickinson.*) Why?—They feel they are beyond recovery. As long as they remained in the general asylums they did not think they were there for life.

26750. (*Dr. Needham.*) How did that react on the patients at Winwick?—They were more discontented than in any other asylum.

26751. Were they willing to work?—No, they generally refused to work.

26752. Why?—Because they knew they had no chance of release.

26753. They had no encouragement?—Absolutely none; it was hopeless.

26754. What you would propose would be, not the building of chronic asylums, but the building of composite asylums with differentiated accommodation?—Yes.

26755. Would you have the accommodation for all classes of patients on the same estate?—Yes.

26756. You would have your acute asylum?—Yes, the villas and the chronic blocks.

26757. And cheap cottages for the more or less feeble minded?—Yes.

26758. And all classes of lunatics you would accommodate on the same estate, only with different accommodation, accommodation suitable to their mental and physical condition?—That is what I should prefer.

26759. Do you think it is essential for the proper conduct and working of the asylums that the Commissioners should have the power of calling upon county asylums and hospitals to submit their rules for revision from time to time?—I have said so already.

26760. With reference to asylums as well as hospitals?—Yes, both.

26761. With regard to the honorary Commissioners and paid laymen, would there be any advantage in having a paid layman, as opposed to a paid barrister, who is a layman as regards medical matters?—No, I think there would be a disadvantage.

26762. You think there would be no advantage in having a person who is neither a lawyer nor a doctor?—No.

26763. I suppose a layman would not have the medical qualifications of a doctor or the legal qualifications of a lawyer?—He would not have that special training which I think necessary.

26764. Are there not barristers who have a great deal of business capacity?—I should think plenty.

26765. There is another point; that is with reference to dealing with plans. Do you not think it is very desirable that there should be every effort made by the Commissioners in the direction of economical administration of asylums and provision of accommodation?—Certainly.

26766. Do you regard it as one of the duties of the Commissioners to see that that is done?—Yes.

26767. Would it or would it not facilitate that, if there were an architect, as has been suggested, attached to the Commission as a permanent officer?—It would facilitate it.

26768. It would enable the specifications to be examined carefully?—Yes, which we cannot do.

26769. And the details of construction and ornament, and that kind of thing, being carefully scrutinised and all the expensive items eliminated?—That is where the economy would come in.

26770. Then you think that the expense of asylums is not so largely in bricks and mortar as in the matters which do not appear on the plans?—No.

26771. Which are in the specifications and which are nowhere else?—Yes.

26772. (*Mr. Byrne.*) Do you think, considering Lunacy Commissioners are appointed by the Lord Chancellor, who has full knowledge of the duties which they have to carry out, and consequently of the varying qualifications necessary, that there is any good obtained at all by the Lord Chancellor's choice being tied down either by legal or medical qualifications? Do you think anything is gained by having the Lord Chancellor's discretion fettered by statute?—I think I told Mr. Greene that I should leave it to the Lord Chancellor.

26773. About the qualification of the medical men, what I am putting to you is whether you would leave it to the Lord Chancellor with the whole of the qualifications knocked out of the Statute?—I would.

26774. And you think that preferable?—I do.

26775. (*Chairman.*) Is there anything you would like to add?—No, excepting with regard to the architect; I think we should have to have a sum of money allotted to us to enable us to employ a specialist in certain cases, drainage matters and water supply, and that sort of question.

26776. Do you mean, if you do not get an architect?—If we do; there are certain questions regarding water supply, and so on, rather outside his province, and it is desirable that we should have money allotted to us to call in a specialist for that purpose.

26777. (*Dr. Dunlop.*) Do you see any practical disadvantage in using the Office of Works as your architect, the skilled opinion there; is there any reason why the Lunacy Commission should not utilise it?—I think I would rather have the man at our beck and call upstairs in our office.

26778. Do you see any real disadvantage in referring the matter to the Office of Works?—Yes, they have nothing to do with us at present in regard to our duties; it would bring in another department in contact with us.

26779. You think that would be a disadvantage?—I do.

* *Vide* Appendix Papers p. 451 *post.*

SIDNEY COUPLAND, Esq., M.D., called; and Examined.

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26780. (*Chairman.*) Will you tell us how long you have been a Lunacy Commissioner?—Eight years; I was appointed in November, 1898.

26781. And before that?—I was physician to the Middlesex Hospital.

26782. Do you agree generally with the evidence which has been put in by the Secretary on behalf of the Commissioners?—I do.

26783. (*Mr. Byrne.*) On the subject of the discharge of patients from asylums we have been told of a certain class of cases, with which you are no doubt familiar; a patient has become rational and tranquil under the asylum treatment, who, from his past history, the superintendent has no doubt, will become drunken, criminal and insane within a few days of his discharge; we have been told that the superintendent has really to discharge such cases whether he likes it or not, and that it would be imposing too great a responsibility on him to say that he must not discharge; how would you deal with such cases?—I think it would be well for us to have power to retain such notorious people as that. It would have to be very carefully exercised.

26784. Would it require a judicial act, or could the Commissioners do it?—I should think the Commissioners might be empowered to do it on sufficient evidence. Of course they would have to be very careful how they exercised it.

26785. Do you think it would be better, in the public interest, that the Commissioners should do it, rather than that the Visiting Committee should take the case before the local magistrate?—I think so.

26786. There would be many disadvantages in that?—Yes.

26787. Unpleasant publicity, arguing and fighting about what was really partly a matter of the personal history and partly a technical medical matter, and no good result would be obtained?—No.

26788. If the Commissioners did it on the application of the superintendent you are satisfied that the liberty of the subject would be secured?—I think the Commissioners are very jealous of the liberty of the subject.

26789. Do you think that, if you had, and exercised, that power, it would apply to a considerable number of persons?—Yes; I should not like to say how many; I think a fair number. There are about 25 per cent. of the patients who have been discharged who are returned to asylums. Not 25 per cent. within the year, but a good many within a year. Of those a large proportion are the alcoholic cases.

26790. Who are a great public difficulty and nuisance?—Undoubtedly.

26791. If this method dealt successfully with people of that class, in that respect alone it would be doing good?—Undoubtedly.

26792. Are you entirely satisfied with your advisory position in medical matters connected with asylums, or is there any statutory power you would like to have which you have not got?—I cannot think of any.

26793. But you agree with the suggestions which have been made by the other Commissioners?—Yes, I fully endorse what Mr. Urmson has said.

26794. I think you have heard all the evidence?—I have been here every day.

26795. With all the suggestions which have been made, you practically agree?—I do.

26796. (*Mr. Greene.*) Among the suggestions with which you agree is one for raising the medical qualification?—Yes.

26797. You think that at present it is inadequate?—It is indefinite.

26798. And inadequate?—It might be. It is very probable that no Lord Chancellor would appoint a man unless he were highly qualified, so the omission is practically not of much importance.

26799. Supposing recommendations were made that the Lord Chancellor should always put in a certain number of lunacy specialists?—I do not think I should dictate to him. He would probably follow the practice.

26800. All the medical Commissioners are not specialists?—No, I am not.

26801. Have you found that to be an advantage, that there should be one who is not a specialist?—An advantage to me or to the Commission, do you mean?

26802. To the Commission?—I do not think I am in a position to say. My colleagues would answer that.

26803. Do you know whether in the medical journals there have been any criticisms on the action of the Lunacy Commissioners? Have they been found fault with at all for anything?—I think they have. That is the fate of every public body.

26804. What is the principal grievance against them; no doubt it is an unjust one, but what is it?—I have read articles which are hostile, but I do not think there is very much importance to be attached to them. It is simply, perhaps, that the body is not large enough to do the work we ought to do.

26805. What work is there which the public feel—if these journals express the view of the public—is left undone, which ought to be done?—I am bearing in mind particularly a publication in one of the medical journals about twelve months ago of an inquiry into the system of boarding-out which is carried out to such a large extent in Scotland, and the contrast which was drawn between that and the provision for what are called outdoor paupers in this country. It was very unfavourable to England. It was shown that the Commissioners in England took no notice of these outdoor paupers, that they did not come within their purview at all. We endeavoured to ascertain where it was defective but we did not succeed, no information was vouchsafed to us as to the particular places which were visited and found to be defective. There were descriptions of the homes, but all names of the localities were omitted. Undoubtedly that is a weak point in our supervisory functions. I admit the criticism was just.

26806. You ought to have power?—Yes, although it would very considerably add to our work.

26807. You think it would be a good thing to get power to deal with boarded-out paupers?—Yes.

26808. Power ought to be given to some central body, whether it is the present Lunacy Commission or whether it is the Lunacy Commission after a resurrection—perhaps they may perish and be revived in another form—some central body should deal with them?—Yes, just as we visit the private single patients.

26809. You could not possibly tell what augmentation of the staff of the Commission would be necessary?—I can, I think. Supposing it were done on the same scale as it is done in Scotland, where 19 per cent. of the pauper lunatics are so boarded-out, and the numbers are 2,704; in England the same percentage of pauper lunatics would amount to 20,300 and we should require ten times as many people to visit as in Scotland. I believe in Scotland there are two Assistant Commissioners to whom is assigned the sole duty of visiting them, so we should have to appoint twenty in England and Wales.

26810. The Assistant Commissioners would be subordinate to the Commissioners?—I imagine so.

26811. And they would have no vote at the Board but merely be reporters?—Yes.

26812. What is the very worst thing which the bitterest enemy of the Lunacy Commission has got to say against it?—I cannot say.

26813. Are you satisfied with it in its present form?—Yes; I cannot say that I am dissatisfied.

26814. You would not add to its jurisdiction? Beyond adding to its number, you see no way in which it could be improved?—I think we should, perhaps, have more power in some directions as has been already pointed out.

26815. The suggestion for improvement did not emanate from the Commissioners. Have the Lunacy Commissioners any corporate idea of possible improvement in their constitution, jurisdiction, or working?—No, I do not think the matter has been discussed.

26816. They are quite satisfied?—I think so.

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26817. (*Dr. Donkin.*) I think you heard the questions I asked Mr. Urmson with regard to the fitness, in his opinion, of the Lunacy Commission, unmodified or modified as has been suggested, to undertake the work of supervising this possible new body of mental defectives, not now certified, but in the future possibly to be certified. What is your opinion about that?—When this Commission on the feeble-minded was first started I felt very averse from having the control of that class under the Lunacy Authority, in the interests rather, perhaps, of the individuals who would have to be so supervised. I thought they did not require probably more special dealing with, and also that it would be a hardship to associate them with insanity. But I must say I have rather modified that view now. I think that it would be very difficult to separate departments which, as it were, merge into one another, and I do not at all see why the present Lunacy Board should not be able to control the feeble-minded department, because one merges into the other.

26818. Have you changed your view mainly with respect to the greater administrative facilities?—Yes, mainly in that respect, and I think it may possibly have a good effect on the insane if they are classed with people who are not actually insane. It would be good both ways; whereas a feeble-minded person would object to be considered an associate of an insane person, an insane person might perhaps feel that he was not so bad, nor be so regarded, if he were classed with the feeble-minded. It is perhaps a purely sentimental point, but I am sure it would have a great influence.

26819. Suppose there were, before long, a very large number of various grades of defectives put under certificate, do you think the matter of supervising certificates and revising certificates would be very hard work?—I do; it would be very onerous.

26820. Would not that almost necessarily be mainly the duty of a medical Commissioner?—Yes, it might be, the work could be apportioned. It is all in the air; we do not know what this extension of our work may lead us to. It is quite possible it might necessitate the relegation of that to a department of our Lunacy Board.

26821. Supposing that took place—if it were established at all—it would be before long taking care of large numbers. Would not it, in your view as a medical authority, being a medical matter (both in the matter of supervising certificates and inspecting the treatment of these people), be more difficult than the supervising of the recognised insane now?—Yes.

26822. Therefore, supposing the Commission undertook all this, the increased Commission for that particular object should be mainly medical?—It would have to be in the medical direction, undoubtedly.

26823. You would want not only the addition of assistant medical Commissioners to do this work, but full Commissioners with full power and authority?—Yes, provided the Board were not made too unwieldy by it.

26824. I only want to get your real opinion as regards the medical and lay strength of the Commission with a view to the possible charge of this body of people; you think the medical element is very important?—Undoubtedly.

26825. (*Dr. Dunlop.*) In answer to Mr. Greene, you were talking about the duties of deputy Commissioners in Scotland, saying they were exclusively to attend to boarded-out paupers?—I should have said, so far as I know. I do not know from personal knowledge, but I have been informed that that is generally their duty.

26826. Are you aware that to a large extent they act as Chancery Visitors in Scotland and visit the curatory cases?—No.

26827. To enable the Commissioners to estimate the requisite strength of the Lunacy Commission, it is necessary to know what should be the limit of one day's inspecting by one man. How many asylum cases can be efficiently inspected by the inspector in one day's work?—I think I heard the same question put to my colleague. I should agree with him. I think he said about 800.

26828. He brought it down to 500 or 600?—Yes, I should agree with him. I should like to point out that the inmates of an asylum vary very much with regard to the amount of attention which has to be paid to them. In the chronic blocks, with people who are quite demented, there is very little that the Visitor can do except see that they are properly dressed. You cannot get any information and they do not proffer any, but in the more acute blocks, especially those with many delusional cases, you are detained a long time, so it is difficult to give any number; you might see 1,000 one day, possibly.

26829. Taking patients altogether, I understand you see about 1,000 a day?—We do.

26830. That is far too much?—Yes.

26831. The Scottish Commissioners only see about 300 a day; is that too little?—No. There is nothing I like better than going to an asylum with 300 or 500 patients; that is the sort of work I enjoy, but I candidly confess that going through an asylum with between 2,000 and 3,000 people is wearisome in the extreme.

26832. You do it in two or three days' work?—Yes.

26833. You want two or three times that?—Yes, to do it at all satisfactorily.

26834. You were talking about the powers possessed by the Commissioners, and saying that increased powers were not very desirable?—I have not considered the subject much myself, I think we get our own way in most things.

26835. There has been a certain class brought to the notice of this Commission who are generally certifiable lunatics; they crop up in prisons for instance; no one has authority to order them to be placed in an asylum. Do you think this power is a power which might be delegated to the Lunacy Commission?—A lunatic can be transferred from a prison to an asylum.

26836. They may be, but there is no compulsory power to insist on it?—I think it is always done when a prisoner becomes a lunatic.

26837. Perhaps you have not thought out the matter?—No, I did not think there was any difficulty in the matter.

26838. Have you any power to order a lunatic out of the general ward of a workhouse to an asylum?—Two of us have; we have absolute power given by statute.

26839. Is it ever exercised?—Not in my time.

26840. So that power is not very much utilised; would you like extended power in that respect?—I should say ditto to Mr. Urmson, who was questioned on the same subject.

26841. Have you any views as to single visiting in place of double visiting? Should that be restricted to medical visitors, or should both do it?—Both.

26842. Why?—We should be able to send one or the other.

26843. Are they equally efficient do you think, the medical and the legal visitation?—It is obvious that a lawyer has not the full medical knowledge of a trained medical man; that we must admit, but the utility of the legal man is undoubted.

26844. I am not questioning that; but for the purpose of single visitation, is the barrister Commissioner equivalent to the medical?—Yes. I think after he has been in the Commission a very short time and has gone round the circuits of many of these asylums in company with a medical man, he knows nearly as much in respect to asylum visitation.

26845. Do you agree with the previous witness regarding Chancery Visitors; are the Lunacy Visitors competent to do the same duties as Chancery Visitors?—I think so.

26846. Would Chancery Visitors become competent Lunacy Visitors?—I think so.

26847. They have the same qualifications?—Yes.

26848. Have you any opinion with regard to the number of visits per annum that should be paid to asylums?—I think one visit a year is sufficient in the well-ordered asylums in this country. Of course we have power to visit whenever we like. I think one visit is sufficient.

26849. Is that sufficient to make the inspector conversant with what is doing in an asylum?—It is quite sufficient, I think, for him to get a good knowledge of

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really how the aslyum is being conducted. It is a surprise visit. He sees how well or badly the place is conducted. I think it is quite sufficient.

26850. They might make many changes in a shorter time than a year ?—Is it likely ? Speaking only for myself I think the attitude towards them should be less one of suspicion that they would do such things than belief that they would not.

26851. Have you any views as to the justification of the enormous difference which is made in the number of visits to different patients, the Metropolitan Licensed Houses receiving six visits per annum and the paupers in private houses no visits per annum ?—I agree with Mr. Urmson; I think it is necessary that the licensed houses should be visited by us frequently.

26852. More frequently than the ordinary patients ? —Yes.

26853. Do you agree with the previous witness about the workhouses being brought under the Lunacy Commissioners ?—Yes.

26854. Do you agree with him with regard to the unsatisfactory working of the Idiots Act ?—Yes, we have always felt that.

26855. You want much wider powers there ?—Yes.

26856. Have you any opinion as to the decentralisation of the Commission; you are aware that it has been suggested on more than one occasion that there should be a central Commission in London with subsidiary Commissions in different districts in England ?—I have not thought of that; I should doubt if it would be advisable.

26857. On what grounds ?—I think we should exert a better influence by being detached entirely from all local surroundings, not being settled in one part of the country. A central body has more attention given to it, and really has more weight.

26858. Take a subsidiary office locally, say one resident Commissioner in Yorkshire who would be a member of the London Board and come and attend Board meetings, but resident in Yorkshire to keep his eye on what is doing in Yorkshire ?—No, I think it is far better as it is. He would be a resident there and be there for years and years.

26859. Would not he keep more in touch with what was doing in Yorkshire ?—He would probably get into a groove.

26860. Would not the central body correct that ?—The central board might not have the opportunity.

26861. (*Dr. Needham.*) The discharge of lunatics, of course, assumes different characteristics according to the *status* of the patients. In visiting county asylums, for instance, the Commissioners bear in mind, I suppose, that they have no power to discharge from county asylums ? —That is so.

26862. The responsibility of the detention of a patient rests absolutely and entirely with the Visiting Committee, who alone have the power to discharge ?—Yes.

26863. And the Commissioners have no power. They have the power of representation—but not efficient representation—to the Committee, as to any person who, they think, has recovered ?—That is so.

26864. Even if the Commissioners found that a person was recovered in an asylum the only thing they could do would be to report to the Committee that in their opinion he was recovered and that attention ought to be paid to his case ?—That is so.

26865. They have no other power ?—No.

26866. Therefore the old custom which has prevailed amongst the Commissioners of doing what they do now in Scotland, which takes up so much of the time of the Scotch Commissioners, namely, of ticking off in a book the name of every person in the county asylum, has been given up ?—It has, very wisely.

26867. First, on account of the enormous size of some of the asylums and the impossibility of doing it, and the slavishness of the work, and the next, and more important reason, that the Commissioners have no power whatever of discharge ?—I should think so.

26868. What they do in the county asylums is this: they go round and count all the patients in each ward so as to be satisfied that they have seen every patient ?—Yes.

26869. Then they walk slowly round the wards and give every patient an opportunity of speaking to them ?—Yes.

26870. As regards the hospitals and licensed houses which contain private patients, what is the course of the Commissioners with reference to the patients therein ?—They see every patient, because they have a book with his name in and they mark that off.

26871. They tick off the name of each patient in the book ?—Yes.

26872. Do they consider it part of their duty to satisfy themselves at each visit as to the propriety of the continued detention of each patient ?—Yes, undoubtedly.

26873. That is part of their business on each occasion ?—Yes.

26874. They discharge that with great care ?—Yes.

26875. I am requested to ask you what the rate is at which Commissioners can see patients in the licensed houses and hospitals ?—I should not like to say.

26876. I suppose it depends on the individual who is seen ?—Yes, and the class of patient.

26877. And the difficulty about their cases; so that it is a very variable quantity ?—It is.

26878. But it is a very slow process compared with seeing the patients in county asylums ?—Yes.

26879. (*Dr. Dunlop.*) Does it occupy twice the time ?—More than that.

26880. (*Dr. Needham.*) You would not see 300 patients in a private asylum or a hospital ?—No; not more than that.

26881. I suppose that both in county asylums, and especially in the asylums for private patients, there are special inquiries to make ?—Yes.

26882. A charge is made of unkindness and a special inquiry has to be made on the spot, and very often evidence is taken and so on; that absorbs a good deal of time ?—Yes.

26883. Then private patients have a right to demand a private interview, which I suppose is always afforded to them ?—Yes.

26884. Are they of long duration ?—Some of them are.

26885. In some places I suppose these demands for private interviews are very numerous ?—Yes.

26886. The visitation of the London licensed houses are six a year; is not the frequency of the visitation rather due to the idea of the legislature, as far as you can understand it, that every person who comes in should during his time of stay have an opportunity of seeing a Commissioner who can judge as to his mental condition ?—I should say so.

26887. So that it is made frequent for that reason ?—Yes.

26888. The Commissioners having power to discharge from hospitals and licensed houses ?—Yes.

26889. And these functions are discharged in the country by a special board of visiting justices who are bound to be appointed by Act of Parliament for the visitation of the private asylums throughout the country ? —Yes.

26890. (*Chairman.*) Is there anything you would like to add ?—There is one point I might add, speaking as a medical man, with regard to my legal colleagues, the necessity for them, why the Commission should be of this hybrid character. We had read out to us the duties of the Commissioners, and it has been pointed out that they do not require a specially trained legal mind; I should like to make this remark, which I think is quite obvious, that our primary duties are not contained in that schedule. Our primary duty is towards the patients, and we have to satisfy ourselves that they have been properly detained, and we have to do our best, if we are satisfied, to reconcile the patients to this detention. Those patients who do complain most of their detention and feel it as a great

hardship are just those insane people who will not admit that they are ill, that they have need of a physician. We, who are sane, know that to be the real cause of their being there at all, but they are not comforted by the visit of a doctor at all. Over and over again a patient has come up to me, and directly he has found out that I am a medical man, he has said, "I do not want to see you, I see medical men every day of my life. I want to see the lawyer." The reason why he wants to see the lawyer is to assure himself that the deprivation of his liberty has been done legally, and to have it explained to him that this is because he has come under the law. I am certain that very often he is comforted and satisfied by that to a certain extent. Of course, many of them are not. So if you did away with the visits to asylums by the legal Commissioners, I am sure you would not be really treating the patients as humanely as you are, and I think that is the grievous fault of the Scotch system. I believe they are only visited by medical men. I think that shows that Scotland, which in so many respects is so humane in its treatment of the insane, is not so humane as England is in that respect.

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26891. What you say would apply pretty well to any lay person besides a lawyer ?—Yes, I think it applies *a fortiori* in the case of the lawyer, because the patient looks to the law for his protection. He feels he is there under the law and wants to know the law of it. I do not think a mere layman would be able to satisfy him. There is another little point, the question whether ladies should be on the Commission or not. It would be very nice if they were, and there are many things about which a lady knows of which we men are not quite so competent to judge, for example, with regard to domestic arrangements, laundry, bedding, and so on; but if they were to be appointed in order that they might devote their attention solely to female lunatics, I should like to point out that for that there would (having regard to the proportion of the sexes under treatment) have to be on the Commission ladies in the proportion to men of six to five. The Commission would be dominated by the female element.

F. NEEDHAM, Esq., M.D., a member of the Commission, called; and Examined.

26892. (*Chairman.*) You might be so kind as to tell us how long you have been a Commissioner in Lunacy ?—Close upon fifteen years.

26893. Are you in agreement with the statement of the Secretary of the Commission, and also with the statement of the Commissioners ?—Yes, I agree generally with the observations in them.

26894. Are there any particular exceptions you would like to make ?—I do not think so. I do not think I should care to make any special exception.

26895. (*Mr. Dickinson.*) Perhaps you would not mind giving us shortly the procedure adopted when you visit an asylum. Is it a surprise visit always ?—Always. We go into the asylum and we see the superintendent and we hand in a schedule of particulars which we ask to have filled up with reference to the admission of patients and changes that have taken place amongst the patients since the last visit, the number of deaths, causes of death and matters of that kind, mechanical restraint, seclusion, and a number of particulars.

26896. Has that to be done on the spot ?—That has to be done while we are inspecting.

26897. So that it shows the books are kept up to date ?—Yes, that is done by the clerk and by the medical officers; we also enquire as to the number of attendants who have left and a number of matters of that kind.

26898. Then what do you do ?—Then we go round the wards. We go into each ward, and as we go in we see the charge nurse. We are accompanied by the medical superintendent and the assistant medical officers and by the matron or by the head attendant. We take down in each ward the number of patients, the number of attendants, the number of the patients who are epileptic, and the number of the patients who are suicidal, and the number of patients who are in bed. Then we proceed to count all the patients in the ward so as to make the numbers tally with the number given to us. Then we go round each ward, walking slowly from patient to patient and giving every patient the opportunity of speaking to us, many of the patients availing themselves of that opportunity. If a complaint is made to us we investigate the complaint. For instance, the other day, at an asylum we were going round, a patient complained of being ill-used. We made careful inquiry into the complaint and in the result we advised the superintendent that the nurse should be discharged.

26899. How do you make investigations like that ?—We take evidence from the nurses and from any other patients who are competent to give evidence.

26900. On the spot ?—Yes.

26901. Informal inquiry in the rooms ?—Yes. Of course if a serious complaint were made we should investigate it separately and upon oath.

26902. Do you have many investigations of that kind to make ?—Comparatively not many, but a good many altogether.

26903. That is a matter with which the Visiting Committees are constantly concerned ?—Yes.

26904. You do not refer to the Visiting Committee, you enquire yourself ?—If a complaint were made to us at our visitation we should inquire ourselves. We should not disclaim responsibility and say, "this must come before the Committee;" we should make investigation on the spot. Then after we have seen the whole of the patients, and the whole of the establishment, the kitchen and the store-rooms and tasted the stores as far as possible, and seen the entertainment-room, in fact, all parts of the premises, we go into the committee-room and write our report.

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26905. Do you give any attention at all to the actual individual treatment of the patients, the medical and scientific treatment of them ?—Yes, as far as we can. I think we have always held that interference with the medical treatment would be an encroachment upon the duties of the medical superintendent, would limit his responsibility and be rather undesirable. In the medical profession it is not customary for one man to criticise very closely the dealings of another, even if he is in a consultant capacity, unless he has reason to think that the treatment is unsatisfactory. It has happened to me that I have gone to an asylum where I thought the medical treatment, from complaints which were made, was not quite satisfactory. I remember remonstrating very much indeed with the superintendent and insisting upon a variation being made.

26906. In the treatment of an individual patient ?—This was the treatment of one or more patients. I found that he used a certain kind of treatment with reference to several patients which I thought was more of the nature of punishment than medical treatment.

26907. When you say you rather feel that to be a matter which should be left to the superintendent of the asylum, would you say that as a rule the medical superintendents of the asylums in England possess a high class of technical knowledge ?—Yes. I should say, taking them all together, that they are men of very high qualifications indeed. I should think they are extremely competent men, taking them all together, and men, as a rule, who have a vast amount of expert knowledge. I think it would be an extremely dangerous thing for even expert Commissioners to interfere very materially when they visit casually as we do. You have not the same knowledge of the particular patients that the superintendent has who is always on the spot.

26908. Does that observation apply to the county asylums as well as to the private asylums ?—Yes, certainly.

26909. You think there is as high class a man engaged there as in the private asylums ?—Yes, quite; I will not say more so, but certainly quite as high.

26910. Apart from individual treatment, as regards the general question of treatment and management from the point of view of curing patients; do you advise them on that ?—We are asked for advice on all manner of subjects, and we are always very ready to give the benefit of our wide experience. Superintendents know, and we occasionally point out to them, that we have the advantage which they have not, of going from one place to

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another and comparing one mode of treatment with another, and we give them the benefit of any experience we have.

26911. There must be some asylums better than others which you visit ?—Yes.

26912. Have you been able to bring the backward ones up to the mark ?—I have no doubt whatever, as an old superintendent and as a Commissioner, that the enormous advance which has taken place in the improvement of asylums has been very largely due to the action of the Lunacy Commissioners ; of that I have not the smallest doubt.

26913. Has that been the case always, or only recently ? —I think from the very beginning, and much more from the beginning than very recently, because things have improved so much that they have been going on fairly satisfactorily for a number of years. I was superintendent so far back that I remember asylums in a much less satisfactory condition than they are now. For twenty-five years before I was a Commissioner I was an extremely careful critic of the Lunacy Commission.

26914. Did you find the Lunacy Commission at that time induced you to make improvements ?—I think so. Almost all the ideas of improvement I have ever had have been the result of the teaching of the Lunacy Commissioners, who have the opportunity, which no private person has, of going from place to place and comparing the results of treatment in one place and another.

26915. Were you on the Lunacy Commission when the number of honorary Commissioners was full ?—I think there have been as many as four. There never have been five in my time.

26916. Have you made any attempt yourself to induce people to come on ?—Yes, we have all done that ; we have tried very hard. Over and over again we have felt and expressed the greatest desire to have additions, to keep our honorary Commissioners at a fairly high level. I do not think we have always wanted to fill them all, because of the possible retirement of paid Commissioners.

26917. Have you actually yourself asked any individual? —I cannot say that I have, myself.

26918. I was going to ask you what the answer was, why it is they will not serve ?—I think people do not like the work. In the first place it is unpaid, and from most people's point of view it is not very interesting. People dislike lunacy very much. I understand that on the London County Council there is found an increasing difficulty now in getting people to serve on the asylums committees.

26919. Because the number of asylums is increasing so much ?—I think the difficulty is an increasing difficulty. Sir John Macdougall, said that, I think, when he gave evidence here.

26920. During the first forty years of the Commission they seem to have had no difficulty in filling the places ?— During the first forty years you had Lord Shaftesbury at the head. He was a power, and he could induce people. His own personal influence and enthusiasm were sufficient to infect other people.

26921. (*Mr. Greene.*) I see there is a difference between the power which your Commissioners have and the Chancery Visitors, with reference to appointing deputies in case of illness or otherwise. Is there any reason why those should not be assimilated ? The Chancery Visitors may themselves appoint with the sanction of the Lord Chancellor, but it requires an appointment by the Lord Chancellor in the case of your Commissioners. Is there any reason why they should have that advantage given them ?—I should think we ought to have the same advantage. It is a very irksome thing to have to go to the Lord Chancellor and get a man appointed. Substitutes are exceedingly difficult to get. I was ill at the beginning of this year and I applied to several men before I could get a man to undertake my duty.

26922. But the sanction of the Lord Chancellor to someone who has been selected by a Chancery Visitor is not so difficult ?—No, I think the Lord Chancellor is willing, so long as you send a suitable name.

26923. County court judges may appoint deputies ; you do not see why your Commissioners should not have power to select a deputy for the approval of the Lord Chancellor ?—I do not see any reason.

26924. Can you tell me whether you see any reason why the distinction should be maintained of having one class of lunatics who are so found by inquisition, and another who are not so found ?—In the case of people who are so found by inquisition, committees are appointed both of the person and of the property, who have control of the person as well as the property. People as to whom orders are made under the 116th Section have orders as to property, but no control as to the person. The consequence is that all the people as to whom orders are made under the 116th Section are visited by us and not by the Chancery Visitors, and a good many of them would not be certified except for our action.

26925. But, except for the fact that there are one or two disabilities under which a person is placed when he has been found lunatic by inquisition, the position of a person who is practically under an Order under the 116th Section is just the same. Why should a man have one set of Visitors to look after him, and have to pay for it, if he has been declared insane by inquisition, and have to submit to that loss ?—The difference is perhaps sentimental, but one difference is this, that a person who is so found is declared to be a lunatic. A person as to whose property an Order is made is not *ipso facto* declared to be a lunatic, although he has to be proved to be a lunatic before an Order can be made.

26926. His person has to be controlled ?—No, not under Section 116.

26927. No, but that is because he is in such a condition that he cannot do anything for himself ?—Yes.

26928. You cannot have a person under Section 116 who would be going about attending to his affairs ?— Yes, you might, but not having control of his property. A man as to whom an Order is made under Section 116 may have perfect personal liberty and yet his property be protected.

26929–30.—I have been wondering whether, if we got rid of that distinction, it would simplify the work of your Commission ?—I do not think so. There is a provision which has been before Parliament in a Bill, that all the lunatics under the 116th Section should be visited by Chancery Visitors, who visit the people "so found" ; at present they are visited by us.

26931. With reference to the chairmanship, do you not think it would be highly desirable to have an outside person appointed by the Lord Chancellor, instead of someone selected by the Commissioners ?—He always has been.

26932. By the law he has to be chosen by the Commissioners ?—There has always been a person appointed by the Lord Chancellor. He has appointed someone to be Commissioner, with a view to his taking the office of Chairman.

26933. But he has been appointed by the Commissioners ?—It is a mere nominal appointment. He is put into the position as a Commissioner by the Lord Chancellor. Lord Hatherton, Lord Waldegrave, and other Chairmen have been appointed Commissioners by the Lord Chancellor with a view to their being Chairman. In the last case we asked the Lord Chancellor if he would find us a Chairman and he found Lord Waldegrave and appointed him first a Commissioner and then we elected him Chairman.

26934. Would there be any difficulty in providing that the lay element, whether paid or unpaid, should continue in office only for a certain length of time, say ten years ?—I do not think it desirable.

26935. Do you think it desirable that the officers of the Commission should continue to any age, and for any any number of years' service, or is it better, in the interests of the public and the Commission, that there should be something like a rotation and succession ?—I have seen no disadvantage in the present system. I have known all the Commissioners for a great number of years, and I have never seen Commissioners go round asylums who were not competent to discharge their duty, and competent to discharge their duty in an efficient way. It was not thought any disadvantage to the late Lord Chancellor to be of the age he was, or for many of the judges to be of the age they are.

26936. In other departments, county court judges, and, I think, registrars and various officials in the civil

service, they have to retire after a certain number of years service, or at a particular age ?—That may be so, but I believe not as regards county court judges.

26937. Is not it such an arduous kind of work that people are apt to lose initiative if they are too long at it ?—It may be so. I have not noticed it.

26938. There are many offices in which the work is so continuous, and perhaps repellent, that after a time the activity of the mind and the interest in the work a little bit slacken ?—I can easily understand it. My experience is (I am not speaking now of my opinion) that some of the oldest Commissioners we have had have been the keenest of all up to the time of their withdrawal from the Commission. No one could exceed in keenness the late Sir Charles Bagot who was a Commissioner up to seventy-four. He was honorary Commissioner during the last few years. No one could exceed him in keenness of intelligence, quickness of grasp, and freshness.

26939. Chancery Visitors or Masters do not fall within your province ?—I would rather say nothing about them, I know very little about them.

26940. (*Mr. Byrne.*) You will please take it, in the questions I am putting to you, that I am only asking you with reference to your views as a Lunacy Commissioner. You have heard the evidence of your colleagues ?—Yes.

26941. As regards the questions which I put to them about their present powers, and whether they would wish them extended in any way, do you generally agree with those points ?—Yes.

26942. Might I go through them ? In the first place do you agree that some lunacy authority should have power over the out-paupers who are in receipt of poor relief ?—I think very strongly that they ought to be visited.

26943. In some shape or form, that should be the duty of the Central Lunacy Authority ?—Yes.

26944. Secondly, as regards the ordinary wards of the workhouse, do you agree with what Mr. Urmson said, that there should be some power of preventing dangerous or uncomfortable lunatics from living in the ordinary wards of the workhouse merely because the doctor had peculiar views and did not want to certify, or because the Guardians did not carry out their duty?—It is very desirable that it should be done, but I see great practical difficulties in the way.

26945. In the abstract you would desire it ?—Yes.

26946. In some way or other that should be the duty of the Central Authority ?—Yes.

26947. As regards discharges of persons who have recovered to a certain extent, but are still dangerous, and are at liberty, I will not ask what remedies you suggest, but I would ask you to say as a Commissioner whether you recognise that evils do arise from that ?—Yes, I quite appreciate that, but I do not quite see any remedy at present.

26948. About the powers of the Lunacy Commissioners over public asylums and hospitals, as regards regulations, including staff and dietary, do you think they are sufficient ?—I think the Lunacy Commissioners ought to have power to call for a revision of the rules and regulations in both hospitals and asylums. I think that is a matter of great importance. You get rules which are sanctioned by the Secretary of State after being carefully examined by the Commissioners, and the state of things alters very much in the course of years ; the state of the asylum alters, or a variety of circumstances occur which make the state of things quite different; you want a revision to meet the new state of things and you have no power to call for it ; once passed, these rules can be kept on until the end of time without the power of anyone to call for their revision.

26949. I presume you do not agree with the suggestion that has been made that the Lord Chancellor or the Secretary of State or someone should lay down model rules ; I understand they must be different according to the nature of the establishment ?—We have drawn up a series of model rules which we submitted, simply to save trouble ; they are very often adopted *en bloc.*

26950. Owing to different circumstances you would not like to force them on everybody ?—No, I think you ought to allow a certain amount of discretion to local authorities.

26951. Supposing the Lunacy Commissioners had extended jurisdiction over imbeciles and feeble-minded persons, but who are not now certified, but who would be confined in establishments varying in character and mostly different from asylums, do you think they should have power to regulate these ?—Yes.

26952. In those circumstances these regulations would have to be widely different ?—Yes.

26953. Each would have to have a separate type ? —There would have to be great modifications.

26954. So that it should be left in the hands of the Central Authority to advise the Lord Chancellor, the Home Secretary, or whoever it might be, in each particular case ?—Yes.

26955. Supposing an extension of the Commissioners' jurisdiction were made, would the Commissioners be able to deal with philanthropic Homes for the feeble-minded on the same lines as they now deal with the idiot asylums ?—What do you mean by "deal with them" ?

26956. Would you think the Central Lunacy Authority should see the certificates on admission—have copies of those ? You have copies of the idiot's admission, have you not ?—Yes.

26957. Would you think the central authority should have them for these people ?—I should have thought, when you deprived any person of liberty, it would be desirable that you should have a record of the reasons for depriving him of liberty lodged with some central authority.

26958. Speaking simply as a Commissioner you would think these places require inspection ?—Yes, I do, I think that is very important.

26959. And it should be the inspection of a lunacy authority ?—I think so.

26960. Speaking again as a Commissioner, do you see in the internal administration of your office, any directions in which the work falling on the Commissioners could be properly reduced ?—No, I do not. I think it is of great importance that the Commissioners themselves should see the certificates of every person who is admitted to an asylum in order that they may judge of the value of the facts upon which this person is committed to an asylum. It seems to me that it is a duty which is thrown upon the Commissioners. Then as regards the continuation reports, which are now about 30,000 a year, I think that is also extremely important from the point of view of the Legislature, acting on the Report of the Select Committee which considered it requisite to have these reports at all. A Commissioner should judge whether the facts which are alleged in the certificate are sufficient to warrant the certificate, because it is a detention certificate ; it is as much a detention order as the original admission order.

26961. I am going to suggest whether it might not be considered, perhaps valuable, but rather a supererogatory precaution ; are there not enough precautions without it ? —No, I think it is very important.

26962. It is only of recent years that it has been done ? —It is only of recent years that the continuation report system has been in vogue.

26963. And not many years, the admission order ?— A great many years.

26964. Only thirty years ?—That is a long time. I should have said it was much longer than that. I know the Commissioners over and over again in their reports —and I think you will find it in Fry's Lunacy Acts— mentioned one particular case in which it was found extremely desirable that the Commissioners should examine the facts, and the Commissioners made then a general declaration that they regarded the examination of the certificates upon which people were shut up as one of the most important duties that they had to discharge.

26965. And they have maintained that opinion ever since ?—They have maintained that opinion ever since.

26966. I am putting to you that there are other substantial and successful precautions. The keeper of the asylum sees them. He has to make very close examination into the condition of the patient, and within seven days he has to make a most elaborate report of the condition of the patient in a book. He has no wish to

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keep patients. Most superintendents are anxious to get rid of them to make room for others, so there is no temptation to keep patients ?—No.

26967. A man who has a reasonably fair claim for release can appeal to the Visiting Committee, who also are not anxious to keep him ?—That is all quite true.

26968. Before these continuation certificates were received, when the Dillwyn Committee was appointed, their chief reference was to ascertain to what extent, if any, improper detention existed, and they reported roughly speaking, as we find there, that there was none ?—That is quite true.

26969. And under a system in which this protection did not exist, a Committee very anxious to find out abuses could not find any ?—That is quite true, and upon the strength of that, and as a result of that, they adopted this extra precaution. I think it is very desirable to leave matters as they are. As the result of wide experience of certificates, I think that the examination by the Commissioners does very often find out things which have not been found out before; although carefully examined by the clerks they do happen to be missed over and over again. Mr. Shadwell reminds me of the important case of Miss Lanchester, which was a *cause célèbre* at the time. She was taken into a private asylum near London, and when her certificates were examined by the Commissioner who examined them he was so struck with the facts stated on the certificate, the slightness of the facts, that he said to his colleagues: "This is a matter into which we ought to make further investigation." The Commissioners went to the asylum (I was one of them), saw the patient, and had a long conversation with her. She gave her point of view, and the result was that we made an order for the discharge of the patient. We were satisfied that she was not of unsound mind.

26970. It was quite beyond question ?—Yes; it was a question of the facts. We thought the facts were not adequate. We made enquiry of her; we wanted her to explain the facts, and her explanation of the facts was so convincing to us that we were satisfied that a mistake had been made. We had no cause to suspect any *mala fides*, but we were satisfied that a mistake had been made, and that she ought to be discharged. She was accordingly discharged. Cases of that kind are always liable to occur. The clerks are not able to judge whether the facts are sufficient.

26971. The Dillwyn Committee also used words to this effect: "We have found little or no improper detention, but much inadequate classification." Do you think that much inadequate classification would still go on but for your efforts ?—I think we exercise a careful scrutiny over certificates. If the facts do not seem to be sufficient we try to get them strengthened if the people have the facts within their knowledge to enable them to strengthen them. We often send certificates back if they are not strong enough. One of the recommendations of the Dillwyn Committee was that very slight facts should be taken as proof of insanity, I mean from personal knowledge.

26972. Implying that history obtained from others was equally good ?—History was, at all events, important.

26973. Professionally you think that is right ?—Yes; in many cases you can get a history which indicates insanity when a personal interview does not give many facts.

26974. Can you assure us, from your experience, that no persons who ought to be certified escape care and attention, on account of the hypercritical examination of the certificates, facts observed, and so forth ?—You mean by the Commissioners ?

26975. Yes ?—I do not think so.

26976. Do you think any cases occur ?—I should have said not.

26977. Do you think your action has a direct effect in preventing doctors from certifying when otherwise they would, and when otherwise they should ?—I think very likely doctors may have it in their minds that if they do not put down facts which are facts indicating insanity the Commissioners will say that they do not indicate insanity and they will order the patient to be discharged.

26978. Every doctor certifying has to satisfy you as well as his own conscience ?—I think that is so.

26979. Does any evil arise from that ? Several witnesses have spoken of the difficulty of certifying ?—I do not think that is the difficulty. I am quite sure there may be some danger about it, but I think there would be a far greater danger in relaxing the precaution and having the opposite.

26980. Notwithstanding any indirect evil, you think it would be better to retain it and seek the remedy otherwise ?—Yes; I think you have to consider the liberty of the subject, which is a very important matter. I think it is very important that you should preserve the liberty of the subject absolutely and at the same time endeavour to secure that proper treatment is given to patients.

26981. From your experience do you think that very many persons who really do require care and treatment at the present moment escape either certification or action under Section 116 ?—I think a certain number do.

26982. Mostly of what type are they ?—I think there is very often considerable difficulty in certifying people. I think the average medical man is far too exacting in the facts, whatever the cause may be. I have seen numbers of persons in the workhouses who clearly were certifiable from my point of view, whom doctors would not certify because they said they were not certifiable. Each man, I suppose, sets up in his own mind a standard of what constitutes certifiability, and what does not, and no persuasion will make him move from that point.

26983. (*Mrs. Pinsent.*) How many cases have there been similar to that of Miss Lanchester ?—I think that is the only one.

26984. (*Dr. Dunlop.*) You mentioned that in going round an asylum you always counted the epileptic patients ?—We take the numbers of epileptics.

26985. This Commission has had a certain amount of evidence with regard to the statistics of epilepsy; the proportion of asylum patients to epileptic patients has not been given. Could you give it ?—12·4 seems to be the average, in county asylums.

26986. You are aware of what has been written about the decentralisation of the Lunacy Commission in England; can you tell us if it has been discussed by the Lunacy Commission and what view they take regarding it ?—I think the Lunacy Commission have thought decentralisation is very undesirable. I think they have thought it would not be a good thing to have local Commissioners who would get into local ways and be swayed by local prejudices. It would be very much better to have a disinterested central body in London who visited at intervals unexpectedly, than to have a constant current of communications between the locality and any central board.

26987. So the feeling of the Commission itself has been against it ?—I think the Commission have always felt that.

26988. That is the reason of it ?—I think that is it. It is a more independent position. It has always been considered a matter of great importance that the Commission should be independent, should have the largest amount of independence that was possible. That is one of the reasons why the Lunacy Commission was not affiliated to any of the large departments of the State, because it was thought desirable that the Lunacy Commission should have an independent position, and should not be swayed by any of the influences which are bound to sway political parties. You have, as a Commission, to fight local authorities—I do not mean in the invidious sense—but you have to have discussions, and very often differences of opinion. It is very desirable that the Commissioners for that purpose should be in as independent a position as they could be.

26989. I understand that in England the relieving officer is the man who starts an enquiry into pauper lunacy ?—Yes.

26990. Is that in any way under the control of the Lunacy Commission ? I hold in my hand here the rules laid down by the Scottish Commission for the inspectors of the poor who serve the same function in Scotland ?—I should say he is not directly under their control. Suppose there were a person reported to us in a district as

being insane and not being under proper care and control, we should probably communicate with the relieving officer and request him to investigate the case, and he would do it without demur.

26991. There is no penalty attached to the relieving officer failing to do these things, is there?—Under the head of pains and penalties I think there is a general power to inflict punishment on those who do not do their duty under the Act. Section 320, I am reminded, says, "Any person who makes default in doing or not doing anything under this Act which he is required to do is subject to a penalty."

26992. Would the Lunacy Commissioners be the better for having power to regulate the action of relieving officers, drawing up regulations such as these for Scotland? Perhaps that has not been considered by the Commissioners?—I do not think so. I think it would involve a good deal of reorganisation in various directions. Of course, the Scotch Commission have a very important power for which that is requisite; they have the power of going to an asylum and overriding the Committee and selecting from the patients whom they themselves see those people whom they think fit for boarding out; and all that they have to do is to indicate these people, to give instructions to their inspector of poor to remove them into suitable places which have been found for them, and the matter is done, irrespective altogether of the will of the Committee.

26993. I was more on the admission of patients to asylums than discharge. Under these rules the inspector of poor is bound to take certain steps when he is informed that there is a lunatic in his district. If he fails to do that he has to report his reasons to the Lunacy Commission and is responsible to them?—He is bound to do that under the Act of Parliament in England; he is bound to take steps if it comes to his knowledge.

26994. Is he bound to report to the Lunacy Commissioners when he fails to do it?—No.

26995. Do you think that would be advisable? Do you think your Board would appreciate such reports?—Yes, I think it would be a very good thing.

26996. You would like the power extended somewhat similar to this? You spoke of your experience as a Lunacy Commissioner that some medical men are frightened from certifying?—I do not think I suggested that. What Mr. Byrne suggested, and in which I concur, was that if a medical man knew that he had to allege facts which were to enable a third person to judge of the insanity of a person, he would very careful of the facts he put down, and he would not be willing to certify unless he had those facts at his command.

26997. As a matter of fact there are two "third persons" to consider, are there not; the Lunacy Commissioners and the Justice of the Peace?—Yes.

26998. From your experience, both as superintendent and Commissioner, which is the more frightening, the Commissioner or the Justice of the Peace?—I do not know about the Justice of the Peace in the ordinary case. I think the judicial authority, as they call him, with reference to private patients, often acts extremely stupidly because he has got a preconception in his mind and he will not be satisfied by any evidence which is put before him by medical men; he chooses to form his own opinion independently of them and over them.

26999. And as a matter of fact probably that has more an intimidating action on the medical men than the scrutiny of the Commissioners?—It is a very bad influence and often leads to great miscarriage of justice; persons have been refused to be passed by a judicial authority who have come to grief afterwards, committed suicide afterwards, and so on.

27000. (*Chairman.*) Is there anything you would like to add?—I think I might put in this statement: "Summary of facts and reasons for an increase in the number of Commissioners." [*Vide infra.*] It gives various figures showing how the work has been increased. I think I might put in our suggestions and instructions to architects and the building schedule which we send out when plans are submitted to us. [*Vide Appendix Papers, pages 413–417, post.*]

Lunacy Commission,
66, Victoria Street, S.W.
February 7th, 1905.

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SUMMARY OF FACTS AND REASONS FOR AN INCREASE IN THE NUMBER OF COMMISSIONERS.

In 1845, when the Lunacy Commission was established, its paid members were, as now, six in number.

They had then to visit about 25,000 lunatics. On January 1st, 1904, these had risen to 117,000.

Ever since 1883 the increase has been from 77,000 to the last named number, while the county and borough asylums have gone up in number from sixty-two to eighty-seven, and seven more are in course of construction.

In addition to these, there are fourteen registered hospitals, six idiot asylums, three State institutions, twenty-four Metropolitan and forty-six provincial licensed houses, and in houses scattered over the country, many of them remote and inaccessible, are 395 single patients.

All the county and borough asylums, and the State and idiot asylums are visited once a year. Many of the former are of huge size, containing from 1,800 to 2,700 patients, and involving from two to three days' visitation, every patient being seen and afforded full opportunity of speech and complaint, of which large numbers avail themselves.

The increase which has taken place of late years in the size of individual asylums is an important item in the growth of the Commissioners' work and adds materially to its trying nature.

In February, 1883, there were only thirteen asylums of which the insane population exceeded 1,000—whereas in January, 1904, the number had risen to twenty-six, and in nineteen of them the numbers largely exceeded 1,000.

The hospitals and country licensed houses not licensed by the Commissioners, are visited by them twice a year; the Metropolitan licensed houses, always six, and generally eight times a year, and at each statutory visit to all these institutions the Commissioners see every patient and carefully satisfy themselves both that his or her continued detention is justifiable and necessary, and that the treatment is such as to promote recovery and comfort.

With the same objects they see the single patients, invariably once, and frequently twice or more, a year.

They also annually visit the large asylums of the Metropolitan Asylums Board, and a third at least of all workhouses in which are any lunatics or imbeciles. The workhouses thus visited annually being about 250, and the inmates seen 14,000.

The visits to all classes of institutions except workhouses are prescribed by Statute to be paid by two Commissioners, one of them being medical and the other legal. It is obvious that, in the event of one being temporarily incapacitated by illness, the services of the other become equally unavailable, and that particular class of work is unable to be proceeded with, and as each Commissioner is obliged to map out his work carefully so as to bring it within the time at his command, great inconvenience ensues.

But the duties of visitation are supplemented by others which have to be undertaken at the office.

All the documents—petitions, orders, certificates, and statements—which are required for the reception of patients into institutions or single care, have to be examined by the Commissioners personally—a most necessary duty in the interests of the liberty of the subject.

These, in 1903, numbered upwards of 22,000 sets, as against half that number in 1883.

Medical statements and month-end reports, in number about 5,000, and all notices of death, which in 1903 were upwards of 9,000 in number, have been, for the last few years, examined personally by the Commissioners, who, in the matter of deaths especially, have to make frequent and lengthy enquiries and communications.

Since the passing of the Lunacy Act, 1890, the statutory duty has devolved upon the Commissioners personally, of reading and satisfying themselves as to the sufficiency of 32,000 continuation reports and certificates in each year, upon the sufficiency of which depends the legality of detention of that number of patients.

In addition to these office duties, the Commissioners are required to examine and report to the Secretary of

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State upon all plans for asylums and to decide for themselves upon those for hospitals and licensed houses, as to the propriety and fitness of the erection, additions to, and alteration of, these various buildings.

In the years 1900, 1901, 1902, and 1903 the average number of sets of plans thus dealt with in each year was seventy-eight, involving an expenditure of upwards of £700,000.

The examination and consideration of these plans by the Commissioners themselves is rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health and as mental and physical invalids, and with the special construction and appliances which experience has shown to be necessary for their safety and treatment.

The Commissioners have also personally to visit and view the proposed sites for new asylums and houses proposed in substitution for existing licensed houses, and to advise the Secretary of State as to the suitability of the former, and to satisfy the local justices and themselves as to the latter.

Beyond the duties thus specified comes necessarily the ordinary work of a Government Department in official correspondence, in which the Commissioners take a very considerable personal share; questions referred to them by other departments; the receiving of deputations, and giving of interviews; weekly Board meetings with rapidly increasing business; the preparation of the Annual Report; and the discharge of the Secretary's duties in his annual and other occasional absence.

It would seem unnecessary to point out that *pari passu* with the increase in the number of asylums and patients must of necessity have proceeded the work of the Commissioners in almost every direction to which reference has been made.

And it is because they consider that the limit has been reached at which they see a prospect of being no longer able to discharge their statutory duties efficiently that they have reluctantly applied for an increase in their number.

A diary has been kept by a member of the Commission which shows the number of days in 1904 in which he was officially fully occupied on circuit; visiting in and from London, and at the office.

Its records may be taken as a fair specimen upon these heads of the work of the Commissioners generally.

The number of full days spent in circuit visiting was 106; in visitation in and from London fifty-one; and at the office, 121; giving a total of 278 days, and leaving, after the deduction of Sundays, about five weeks for holidays.

The following list gives accurately the hours of work on each of the twenty-two days of the northern circuit in May, 1904.

			At work.	Hours
Thursday	May	5th	10.0 to 7	9
Friday	„	6th	9.30 „ 7	9½
Saturday	„	7th	9.0 „ 7	10
Sunday	„	8th	1.0 „ 6.30	5½
Monday	„	9th	8.15 „ 6.30	10¼
Tuesday	„	10th	9.30 „ 9	11½
Wednesday	„	11th	9.0 „ 6.30	9½
Thursday	„	12th	9.0 „ 7	10
Friday	„	13th	9.15 „ 6.30	9¼
Saturday	„	14th	9.15 „ 7	9¾
Sunday	„	15th	2.0 „ 4.0	2
Monday	„	16th	9.15 „ 10.15	13
Tuesday	„	17th	9.15 „ 6.30	9¼
Wednesday	„	18th	8.40 „ 6.15	9½
Thursday	„	19th	8.40 „ 6	9¼
Friday	„	20th	9.40 „ 6.30	8¾
Saturday	„	21st	9.30 „ 7.15	9¾
Sunday	„	22nd	— —	0
Monday	„	23rd	8.50 „ 7	10
Tuesday	„	24th	10.0 „ 7	9
Wednesday	„	25th	9.30 „ 7.15	9¾
Thursday	„	26th	9.30 „ 7.15	9¾

Omitting Sundays, an average of 9½ hours a day.

It will be seen that Sundays were employed in visitation, and it may be mentioned that in each recent year a considerable part of the holidays, which, when unencroached upon, would only amount to the days which are allowed to first class clerks by the Order in Council, has also been utilised in the same manner.

The absorption of time in the several ways and to the extent specified above, leaves practically none for consultation between members of the Board, and deliberation as to matters of principle, policy, and law, which are so necessary to secure sound, consistent, and united action.

Parliament has laid upon the Commissioners duties and obligations, the efficient discharge of which is essential to the welfare of the insane, and the preservation of the liberty of the subject, and they are convinced that any neglect of many of them, or their perfunctory or incomplete discharge, would be followed, sooner or later, by reversion to the conditions which prevailed before, and for some time after, the creation of the Lunacy Commission, an account of which is to be found in the Parliamentary papers of that time.

The Commissioners are satisfied that they can no longer continue to discharge those duties in as complete a manner as they have hitherto endeavoured to discharge them, unless they are strengthened by an addition to their number, and they have no doubt whatever that it would be quite impossible for them to undertake such extra work as it was proposed to lay upon them in relation to the Incipient Insanity Clauses of the last Lunacy Bill.

As it is, their duties have to be discharged so hurriedly as to be good for neither the work nor the workers.

LIONEL LANCELOT SHADWELL, Esq., called; and Examined.

Lionel Lancelot Shadwell, Esq.

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27001. (*Chairman.*) Do you agree with the evidence that has been put in on behalf of the Commission?—Yes.

27002. (*Mr. Byrne.*) Are there any points in the evidence which you would like to emphasise or with which you would like to express a modified agreement, or is there anything you would like to add?—With regard to double visitation we say here: "The Commissioners are of opinion that it would be desirable that they (the Commissioners) should have power to visit singly in all cases where now they are required to pay double visits, but they are not yet convinced that it would be wise to discontinue the double visitation of at least the county and borough asylums, some of which are now of enormous size." I should like to say I am convinced that it would not be wise; I think the double visitation is extremely valuable.

27003. You would visit those larger asylums, even if you were not obliged to?—Yes.

27004. About the property of lunatics; if the Commissioners have knowledge that the property, or have reason to suspect that the property, of a lunatic is not being properly expended for his benefit, or that proper care is not being taken of it, they can call for a report, they can report to the Lord Chancellor, which report is sent to the Masters, and acts, as it were, as a petition with the effect of setting the Masters in motion. Do the Commissioners often take action on that matter?—Fairly frequently, I should say.

27005. Once a week or so?—No, not so often as that. I should think ten or twelve times in a year.

27006. In how many cases do they proceed strictly under that section, and in how many do they see that proper and reasonable arrangements are made, and then drop the matter?—I thought you meant how many times do they make reports; ten or twelve times they make reports to the Lord Chancellor; in a great many more cases they make the inquiry and suggest proceedings by relatives. They only go to the Lord Chancellor after they have tried that.

27007. Those cases are much more numerous?—*Much* more numerous.

27008. I presume they cost the relatives nothing?—*—*The Commissioners cost nobody anything; the procedure before the Master would.

27009. When you simply make inquiries in order that the right thing may be done, it is done, and no cost is incurred ?—Yes.

27010. Do you think it advantageous that the Commissioners should have power, in their own office, to deal with those cases? Have you sent cases to the Master which you would rather have power to deal with yourselves ?—We should like to have power to deal with them. It is rather a proceeding for a court of law.

27011. No doubt you have a general acquaintance with the work the Masters do; their procedure is very largely of a judicial character, making orders and transfers of property and that sort of thing; that is a little bit outside the functions of the Lunacy Commissioners at present; you have nothing quite on a footing with that ?—No.

27012. If the Masters and your office were amalgamated, do you think that any administrative advantages would be gained for your office; would it be useful for you to have the Masters in the same building ?—I think it would.

27013. It would be a saving of time and money for you to be able to refer a property case to them ?—Yes.

27014. It would be only sending it to the next room, sending it to the Commissioner who had such power, instead of to the Commissioner who had not. Would the result be that in a very short time the other Commissioners would become acquainted with the procedure of the Masters and capable of performing their duties ?—I should think the legal Commissioners would.

27015. Supposing it were thought desirable, could the amalgamation take place without serious difficulty in your office ?—I can see no difficulty that need arise.

27016. The Masters would be able—I am speaking in the abstract, not of the present gentlemen—to assist at once in the office work of your office. Orders and certificates are matters with which they have been accustomed to deal for many years ?—I think so, certainly.

27017. On the whole, what is your advice as regards that amalgamation; if it were found to lead to simplicity and economy would you advise it ?—I should.

27018. Do you think it would lead to simplicity and economy ?—I should have thought it would. I speak without very much knowledge of the Masters' business.

27019. There are a great many persons who are not in asylums but in private care, who are the subjects of Orders under Section 116 ?—Yes.

27020. You come across these people in your visitation ?—Frequently.

27021. Were they included in the 300 odd who were mentioned as being visited by the Chancery Visitors ? It was stated that 600 odd persons had to be visited by the Chancery Visitors of whom 300 odd are already visited by the Lunacy Commissioners ?—That is only lunatics "so found."

27022. These are not lunatics "so found" ?—No.

27023. It supports the argument; although lunatics not "so found" are still visited in duplicate, you would draw some conclusion from that with regard to lunatics "so found" ?—Yes.

27024. So that would be an obvious economy of labour, would it not ?—Yes.

27025. (*Mr. Greene.*) You suggest that the Masters might work in the same house as the Commissioners; have they not access to the Lords Justices and would they not have to be occasionally in Court as Masters, and would it not be more convenient for them to be near the Royal Courts of Justice ?—It would be convenient, certainly.

27026. Do you know whether they have to attend on Saturdays in the Lords Justices' Court ?—I do not know.

27027. You said you thought the legal members of the Commission could very quickly acquire facilities in discharging the duties of the Masters; does that include the capacity to preside over inquisitions ?—I should have thought the legal Commissioners would be able to do that.

27028. A trial before a jury consisting of twenty-three, and sometimes hotly contested cases, requires some judicial experience ?—Yes.

27029. That would not be easily picked up by the legal Commissioners, unless they had been accustomed to court work ?—No.

27030. So that the expectation that the legal members of the Lunacy Commission would develop into competent Masters may be open to two opinions ?—Yes, it may.

27031. Would you agree with Sir John Dorington, that if another authority were created, the Chairman should be a gentleman of legal attainments and capable of discharging that kind of function ?—Yes, I think that might be advisable. I do not know what the number of those inquisitions with the jury is, and I am not convinced that it is desirable that there should be any.

27032. For the sake of public sentiment it might be necessary to have them in very hotly contested cases. Take, for instance, a recent nobleman. People would not be satisfied to have that tried before a Master alone, I think ?—Perhaps not.

27033. Do you see any advantage in keeping up a distinction between lunatics "so found" and people not "so found" ?—That is what I was meaning when I said just now that I was not convinced that there was any advantage in having lunatics "so found."

27034. All persons who are certified might be brought under you ?—That is my view.

27035. What is practically the use of their being "so found" nowadays ?—I should say it is a relic of a past age; I do not see that there is any use in it.

27036. If the Lunacy Commissioners discharge their duties properly and only allow to be detained persons who are proper to be detained, one does not quite see why the fact of their having had a jury to say that they are lunatics, bears on it very much ?—No.

27037. If we were to get rid of that distinction about people being "so found" everyone might come under the Lunacy Commissioners ?—Yes.

27038. And one staff of Visitors would be sufficient ?—Yes.

27039. Then you would have more members allotted to dispose of the property part of the question ?—Yes.

27040. And some of them with such judicial experience as might be necessary in case of some public enquiry requiring investigation ?—If it is necessary to have that. In my opinion it might be handed over to a judge or dealt with in some other way.

27041. There are very few matters in which a person who is "so found" by inquisition is after the verdict against him in a different position to other people; very few disabilities to which he is subjected by being "so found" by inquisition; should we be depriving anybody who is out of his mind of any benefit by getting rid of the finding by inquisition ?—I suppose the finding by inquisition determines the fact that he is insane in a binding form. In a case which is only under certificates a question might be raised.

27042. Why not alter the condition of certification, and find that after so many years of unchallenged certification the person is to be practically found a lunatic ?—Be then in the same position as if he had been "found." Yes, I do not see why he should not, at once, myself.

27043. But at all events after a few years ?—Certainly.

27044. A disability with reference to marriage is the only one which at present occurs to me which is imposed on persons found lunatic by inquisition ?—There is also a disability as to dealings with his property.

27045. But it would be the same if he were proved to be lunatic by certification ?—In that case it would be a question of evidence. In a case where he is "found," he cannot do any legal act, he has to act by his committee. There is no committee if he is not "so found."

27046. If the suggestion I am putting were adopted on certification or renewed certification, the lunatic would be in the same position as a person "so found," and then everything would have to be done for him by a committee ?—Yes.

27047. A paper was put in just now showing the work of the Commissioners. It says (*vide page* 73.): "The examination and consideration of these plans by the Commissioners themselves is rendered necessary by the special nature of the work, which requires to be dealt with by asylum experts, who are familiar with the requirements of patients both in health and as mental and physical invalids and with the special construction and appliances

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which experience has shown to be necessary for their safety and treatment." Do you, as Commissioners, have to report upon or criticise these plans?—Yes, we report to the Home Office, and there is a great deal of correspondence with the local authorities before the plans are ripe for submission to the Home Office.

27048. You have to rely entirely on your architect for that; for the means of criticising the estimates?—Yes.

27049. Are you concerned with limiting the expenditure of the local authorities?—We always endeavour to limit them as far as possible.

27050. Does the Statute require you to control them?—The words of the Statute are general; I do not think there is any special mention of that. It says that plans and estimates are to be submitted.

27051. One supposes they are submitted for criticism?—Yes. What is the object except for that?

27052. Can you tell me whether, in your opinion, the Chancery Visitors serve any useful purpose; I mean they do their work very well, but could they be dispensed with by your Commissioners undertaking the work?—I do not understand why it is necessary to have two sets of Visitors.

27053. Is it not quite possible for a person to be detained in an asylum as a lunatic when your Commissioners think he ought to be free?—We have not the power of discharging, so I suppose it is possible that that may happen.

27054. We have had evidence from Sir John Macdougall, and in answer to question 17680 this is what Sir John said: "We had a serious consultation about a man at Colney Hatch six weeks ago. The doctor said his certificate would lapse in a fortnight and he could not give such a certificate as would satisfy the Lunacy Commissioners. I knew then that the Lunacy Commissioners would receive a poor certificate and they would write back and ask the Committee to see the patient. I moved the Committee that this patient, even if the certificate were weak, should not be sent out, and he was not sent out." So that your Commission thought he ought to go out?—No; so far as I understand, it had not come before our Commission when that statement was made. It was merely that the superintendent thought that our Commission would object to it.

27055. Have you any suggestion to make in any way beyond those you have already made for the improvement of the work of the Commission?—No, I do not know that I have, beyond what has been already said by other Commissioners.

27056. You do not differ from them?—No, I do not.

27057. (*Mr. Byrne.*) Even if the Lunacy Commissioners did receive what was called "a weak report," a continuation report from the superintendent of the asylum, and sent it back to the Visiting Committee with a recommendation that they should consider the case with a view to discharge, that does not mean anything more than that they think the certificate weak; it does not mean necessarily that they think the man ought to be discharged?—No.

27058. But they call the attention of the proper authority to it?—That is it. We merely forward it to the Committee who have power to deal with it.

27059. (*Dr. Dunlop.*) You are familiar with what is in this memorandum of facts which has been submitted by the last witness, referring to the work on the circuit of the Commissioners (*vide page* 72–3). All I want is your corroboration of it; is that a fair statement of the work undertaken by a Commissioner?—I think I have done what as far as I know no other of my colleagues have done, I have kept a diary of every day during which I have been Commissioner; I am able to state therefore positively the amount of work I did last year.

27060. How many days' work, and how many hours a day?—When I have spent a day partly in office work and partly in other work, I have put it as half a day to each. The total number of days was 267 altogether; visiting nights out, 110; other days spent in visitation, without sleeping out, 41; office work, 107; and 9 other days doing work at home.

27061. The point on which I was wishing for your corroboration is that this table sets out 186¾ hours' work in nineteen working days, or any average of very nearly ten hours a day when the Commissioners are away on circuit. It shows a very severe day's work; is it your experience that that is a fair statement of what is done?—I cannot say exactly. I have kept the time which I have spent in travelling and visitation, but I have not kept any account of the other hours spent in making reports, which one has to do afterwards. I think that must be not very far out.

27062. It is a very fair day's work?—It averages eight hours, simply visitation and travelling.

27063. This is nearly ten hours?—There are the evenings spent in making reports.

27064. The evenings are not included here?—I do not know what that is. Is that only visitation, or is that the work? I should say it would not amount on the average of the whole year to ten hours a day, omitting the writing of the reports, which is as much part of the work as the rest. It generally means going out at nine or ten in the morning, coming back in time for dinner, and after dinner sitting down and writing reports; it is practically working the whole day. There is another matter, I have kept an account to show how much time was spent in double visitation. I believe there is an idea that the abolition of double visitation would make a great difference. I do not think it would. The number of days spent in double visitation on the average of two years, last year and the present—because I have finished all my double visitation this year—is eighty-five days.

27065. How many days does that leave for single visitation?—I do not know, I have not finished the visitation this year.

27066. Can you say roughly; a quarter of the time?—Yes, half the time, quite; that is 85 days of double visitation; that is for two Commissioners.

27067. In two years?—Each year for two Commissioners. Multiply that by three and you get the total amount spent by the six Commissioners. That would give you just about the work of one Commissioner more, that is assuming that one Commissioner could do the work in the same time as the two, which is absolutely impossible.

27068. Relieving the Commissioners of double visitation does not double the work of the staff, but adds practically one Commissioner?—I say it would do that if it were possible for one Commissioner to inspect an asylum in the same time in which two Commissioners could do so, but he could not. As far as I am concerned, I am sure I should take more than double the time in inspecting an asylum.

27069. (*Dr. Needham.*) Have you formed any opinion as to the desirability of having women on committees of county asylums?—I should be in favour of it.

27070. I suppose, if on this Commission we should recommend that the Lunacy Commissioners or any other body should have to look after the feeble-minded, it might even become desirable to have women inspectors to inspect them, if the visitation were to be single?—Yes.

27071. You can quite regard it as one of those possibilities which might arise?—Certainly.

27072. But you are in favour of women being on committees?—Yes.

27073. Do you think the power of the Lunacy Commission requires to be strengthened? I will put it to you in two particulars; the first particular, as to dealing with patients for whom judicial authorities will not give orders, after the patients have been declared insane by two competent medical men. Do you think that clause in the Act of Parliament should be altered which provides that when a judicial authority refuses to make an order, he is bound to send to the Commissioners his reason for refusing to make the order, and that the Commissioners are bound to give effect to the report which he makes; do you think it is desirable that the Commissioners should be compelled to give effect to whatever report he chooses to make?—You say "when a judicial authority refuses to make an order." Are you not thinking of this case, where a judicial authority has made an order?

27074. I mean when he is called in afterwards?—And recommends the discharge? I think the Commissioners certainly ought to have a discretion.

27075. They ought not to be bound to act on the opinion which may be worth nothing?—Exactly. A very unfortunate case occurred—perhaps it has been mentioned already—while I was Secretary, of a patient who was discharged in consequence of a report of this kind and committed suicide the next day.

27076. As regards the continuation report and certificate, do you think it is at all desirable that the end of the continuation report and certificate should be that it should go back to the committee, and that the committee should use their discretion? Suppose the Commissioners were satisfied that the patient did not need to be kept under care, should they have any power to interfere with the action of the committee, or should the opinion of the committee be final?—I suppose circumstances might alter after the certificate had been given, and the committee ought not to be bound to discharge because the continuation report was not satisfactory, if meanwhile the patient's condition had become worse. It would be a change of policy if we had that power in one case and not in others.

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27077. As the committee have power to discharge patients ordinarily without consulting the Commissioners, or not to discharge unless they think proper, they have to judge as to the mental condition of the patient in cases of fresh admission, so you think that as regards certification they ought to have the same power?—Yes.

27078. You are satisfied to leave it to them?—I am satisfied.

27079. (*Chairman.*) Is there anything you would like to add?—I do not think there is anything else.

FIFTY-FIFTH DAY.

Thursday, 22nd November, 1906.

PRESENT.

The Right Hon. The Earl OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
H. B. DONKIN, Esq., M.D
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

H. F. GIFFARD, Esq., called; and Examined.

27080. (*Chairman.*) Will you kindly tell us how long you have been a Commissioner in Lunacy?—Six years next month.

27081. Do you agree in the main with the statement which has been put in on behalf of the Commissioners?—Yes, generally.

27082. (*Dr. Dunlop.*) You are aware that lunatics in the different establishments are visited a very varying number of times in the year by your Board?—Yes.

27083-4. Is that justifiable in all cases; is it necessary to give some six or eight visits a year, and others none?—I think not. I do not think they give as many as six visits to lunatics, except in Metropolitan licensed houses. Except as to them, I do not think it is necessary; I should think it might be less, certainly.

27085. Provincial licensed houses have got two?—Yes, by us.

27086. Would you reduce the number of the visits to the Metropolitan licensed houses to the same?—No, because they are under no immediate jurisdiction, they are not visited by anybody else but us.

27087. In your opinion, what is the minimum number of times necessary that your Board should visit for the efficient inspection?—I should think four times a year.

27088. For all institutions?—The Metropolitan licensed houses.

27089. Take all institutions for the insane?—No, I do not think four times a year necessary for county asylums, or anything like it; I mean visits by us. The Visitors relieve us of the duty of visiting county asylums more frequently.

27090. You accept the visits of the Visitors as equivalent to Commissioners' visits?—They are not equivalent in all respects, but for the purpose of the discharge of patients they are more than equivalent.

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27091. They have the power, and you have not?—Yes; and they go into the question of the sanity of the patients, which we do not.

27092. If you were designing a new Lunacy Board, how many visits per annum would you make that Board pay to each lunatic? How often should the lunatics be seen by them each year for efficient inspection?—I do not know that I have ever considered that. You mean if there were only ourselves to do it? So much depends upon who visits, whether the committee continue to visit, or whether we alone visit.

27093. Can you not give us an opinion; is once a year sufficient?—I think once a year is sufficient for county asylums under the present system, the lunatics being visited also by other persons who have the power to inquire into their sanity, and discharge them if necessary.

27094. Do you think lunatics in workhouses are efficiently inspected?—I should say so.

27095. Once in three years?—In certain cases.

27096. In a great many cases?—In the smaller workhouses where there are one or two imbeciles.

27097. I visited a workhouse the other day where there were twenty?—That is rather rare for a small workhouse.

27098. Is that efficient inspection?—If that is the only inspection, I should say not.

27099. What other inspection have they?—They have the inspection as to general treatment, by the inspectors of the Local Government Board. Anything which was

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being carried out wrongly, or any want of proper food or care, would be noticed, surely, by the Local Government Board, as well as ourselves.

27100. Do you think once in three years is sufficient ?—I think so for small houses where a few imbecile patients are detained.

27101. To keep the Commissioners in touch with what is being done ?—Yes ; having regard to the class of cases kept in these triennal workhouses, I should think so.

27102. Do not you think that because they are only adapted for a limited class that is a stronger reason why they should be efficiently inspected ?—It is not only a limited class ; it is a kind of class ; they are mostly harmless lunatics who live the life of the house ; there are no separate wards for them ; they are usefully employed when sufficiently able-bodied.

27103. The workhouse I have in mind had several—the Kendal Workhouse ?—You visited it yourself, lately ; yes, that is so, but that is rather an exceptional number for a triennal workhouse.

27104. When these institutions are adapted for a limited class only, do you think once in three years sufficient ?—Yes, in cases where we think there are very few, and where they are leading the life of the house and occupying themselves, and are well looked after by other people besides ourselves.

27105. You think the Lunacy Commissioners can feel satisfied that they are only receiving suitable cases, and not receiving acute cases when they only see them once in three years ?—I am sure that acute cases are not kept for long in these houses.

27106. Is not more frequent visitation essential for proper supervision ?—I should think not, having regard to the fact that acute cases are transferred to asylums.

27107. They ought to be, but how are you satisfied that they are ?—I should have thought it was a matter of knowledge ; but if annually inspected it would still be possible for acute cases to be kept for some months.

27108. I saw a case of acute lunacy in Kendal. I do not know whether you found one at your visit ?—No.

27109. Are you satisfied with the supervision of outdoor pauper lunatics ?—You mean the 5,000 outdoor ? I I have often thought that they ought to have some official expert visitation other than that of the medical officer of the Union ; they are never seen at all.

27110. It is common knowledge that their condition is not satisfactory ?—I do not know about common knowledge. I am not sufficiently aware of the facts, because we never see them ; but I think they ought to be visited sometimes.

27111. You, along with the other Commissioners, advise single visitation in place of some of the double ones ?—Yes, I am in favour of having the power to visit singly.

27112. Would you give that power to both the medical and legal Commissioners ?—Yes.

27113. Do you think the legal Commissioner—I ask you straight, though you are one—has the requisite knowledge for a complete inspection ?—I do ; if I might qualify that statement by saying, after a certain amount of experience.

27114. Is a barrister Commissioner qualified to express an opinion on the bodily and mental health of the lunatic ?—With regard to the bodily health, I cannot say, but I should certainly think a legal Commissioner could, after a certain experience, express a good opinion and a valuable opinion, and all the opinion you need have, with regard to ascertaining whether a person is sane or insane. I should like in that connection to say this : I think it is more a matter—I daresay some will disagree with me—of experience, in many cases, than actual medical skill to ascertain whether a person is sane or insane. It is not an uncommon thing at our Board for a legal Commissioner to be sent down, in the case of a single patient, to enquire into the mental condition in consequence of having received a report from the medical attendant to the effect that he was unable to ascertain signs of insanity. In four instances I can remember when the legal Commissioner has gone down, and without very much difficulty ascertained that the person was insane, although the medical attendant has sent up a report to say that he cannot ascertain any signs of insanity.

27115. If one of the medical Commissioners went down, it would serve the same purpose ?—Yes ; I only mention that as showing that a legal Commissioner, after some experience, is able to ascertain insanity.

27116. In your view the single visitation should be entrusted to the legal as well as to the medical Commissioners ?—I think he should have the power, and I think it might be carried out. Of course there are points in visiting an asylum which are more purely medical than a question of insanity. On the bodily question the opinion of the medical Commissioner is much more valuable than that of a legal Commissioner.

27117. There are not many purely legal points ?—If you look at Section 187, there are very few points which you can describe as either medical or legal ; the only point which is purely medical is one which is never enquired into, that is, "what was the mental condition of the pauper when he was admitted ?"

27118. Are you familiar with the duties of the Chancery Visitors ?—No, I am not very familiar with them.

27119. You know the Section of the Act in which they are described ?—Yes.

27120. Are you aware of any reason why these duties should not be carried out by a Lunacy Commissioner ?—No.

27121. They have similar qualifications ?—Yes.

27122. Presumably they are fit to do the same duties ?—In my opinion it would be a good thing, and it could be done.

27123. You are in favour of amalgamation ?—I am.

27124. Strongly ?—Providing the Master's office is not abolished, the two men who look after the property of the lunatics—I do not think you can have less than two men—cannot be Visiting Commissioners, because I do not think they could do the work of both efficiently.

27125. As long as the Masters were not Visiting Commissioners your view would be it could be done ?—Yes. If that were done I should very much like to see two Masters made *ex officio* members of the Lunacy Board and the senior Master the permanent paid Chairman. It would have a very good effect on our Board ; it would carry on a consistent line of policy. The system which prevails at present is that the senior Commissioner present takes the chair. He may take the chair for one week, and the next week it is taken by someone else. The man who has just come back from circuit does not know what has gone on before. I think it would be better to have as permanent paid Chairman the senior Master.

27126. The Masters are at present Visitors ?—Yes, but they very rarely visit. Their more important duties are the duties of the office.

27127. If Visitors and Commissioners were amalgamated, the Masters would become Commissioners under the Act ?—Yes ; but I should like them preserved as Masters ; I think it would add force and dignity to our Board. I should like to see all their powers preserved, except as to directing the visitation of Chancery and 116 Section patients. If they were made members of our Board the visitation of the Chancery lunatics would have to be thrown into the general work. You are aware that more than half the Chancery lunatics are already seen by the Commissioners in Lunacy in their stride through the country.

27128. How many Chancery lunatics are there ?—I believe there are 685 Chancery lunatics. I believe about 350 or 360 are already seen by us as we go through the institutions.

27129. Can you tell me in how many institutions those 360 are ?—No, I am afraid I cannot.

27130. (*Mr. Byrne.*) If the amalgamation took place, do you see any difficulty about the judicial work of the Masters being carried out in a combined office ?—No ; the only difficulty arises, I think, from the fact that the Masters are a department of the High Court. How far that could be got over I do not know. As to the mere holding of the inquisitions and the inquiry into the property,

and all that, I do not see any reason why that should not be done under the same roof.

27131. The issuing of orders and certificates ?—Yes.

27132. Are you quite satisfied that your department, strengthened by the Masters, would be able to properly deal with the inquisitions and orders and capable of dealing with property and so forth ?—I think that should still be done by the Masters.

27133. Imagine amalgamation having taken place, would the Masters or their successors, whoever they might have to be, sit in your office and carry on the business quite separately, or would it be your idea that all the other Commissioners should have a Master's power as well so as to be able to take their place ?—No, I would rather have them separate under one roof and practically keeping their own work very much as they do now. I think they would work together satisfactorily.

27134. Would you describe to us the administrative advantages which would come from that ?—I should have thought keeping to their own work, which is quite a separate kind of work, would be a great advantage, instead of mixing it up with visitation work.

27135. How would it benefit the present work with respect to the property of lunatics which is done by the Lunacy Commissioners ? The Lunacy Commissioners have certain powers of enquiring and reporting as to the property of lunatics if they have reason to suspect that it is not properly devoted to their care. One power is to make a report to the Masters ?—Yes, the Lord Chancellor.

27136. Do you think they should have their jurisdiction increased so as to be able to settle it themselves ?—I think it would be a good thing if they could report direct to the Masters instead of to the Lord Chancellor under Section 100, without going through the machinery of going to the Lord Chancellor, then the Lords Justices, then the Masters.

27137. Do you think they can settle quite properly many simple cases without going through the expensive machinery of a report and so forth ?—Do you mean in respect of property where the income is not administered ? Section 100 applies when a patient has got property and we cannot get anybody to deal with it and someone is administering it wrongly. Do you mean under Section 116 ?

27138. No, I mean as regards the working of Section 100, which says that if you have reason to suspect that a patient's property is not being properly expended on him, you have full power to make inquiries first. Then you report to the Lord Chancellor and then the report is referred to the Masters and is, in legal effect, equivalent to petition so that it sets the Masters in motion. That is a somewhat complicated process. Are there many simple cases with which the Lunacy Commissioners could properly deal without reference to the Masters, if their powers were slightly extended ?—Not under that section. I think there are a very few cases which probably could be dealt with under that section, but I think there are a number of simple cases of small property where it would be a great advantage to deal direct with the Masters without the present machinery of going through the solicitor under Section 116.

27139. As a matter of fact, the Lunacy Commissioners do at the present moment settle many cases under Section 100 by taking security that the property shall be properly expended on the lunatic. Would the Commissioners like to have further power, so that in addition to mere enquiry into matters of that sort they could settle them without the expensive and troublesome system of inquisition ?—Yes.

27140. You would like to deal directly with the Masters instead of through a solicitor ?—Yes.

27141. That would result in economy to the estate ?—Yes, certainly.

27142. Are there any other directions in which you would like the authority of the Lunacy Commissioners to be extended. Speaking generally, do you agree with the statement on that subject made by your colleagues ?—Yes.

27143. Is there any other point which you would like to suggest as regards the extension of your jurisdiction ?—No, I do not think so. I would like to see the amalgamation we have been discussing carried out. That is involved in your question. I think that might be effected with considerable economy.

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27144. I did not quite hear what was your reply to Dr. Dunlop about the question of the Chairman; did I understand that you were in favour of having a paid Chairman ?—I am in favour of having, if possible, a paid Chairman, if it could be managed by the senior Master, (I am giving my own opinion only). It has occurred to me that the senior Master might make a very good permanent Chairman, because most of his duties are at the office. He could probably give us every Wednesday —Board day—and I think that if he did we should have a continuity of policy that we do not get now, which I think is the weakest point of our Board.

27145. If you advocate a paid Chairman, you would still advocate the weekly Board system ?—Yes, and any other Boards which might be found necessary. Sometimes we find we would like special Boards. We have a few, but we think we might have more special Boards if we had rather more relief in our work.

27146. I gathered you would not like your paid Chairman to be in the position of head of an ordinary Government department, that is to say, to have sole authority, subject only to the advice of his colleagues ?—No, I would simply like him to be one of the Board and have a casting vote, just like the Chairman of an ordinary meeting.

27147. Not like the Permanent Under-Secretary at the War Office or any other department ?—No, I think it would work better if it were the other way.

27148. With regard to the possibility of having honorary members of the Board, are you in favour of that ?—I think that is a difficult question to answer. It so much depends upon the honorary members. The honorary members in the past have done very excellent service, more especially when they have been previously paid Commissioners and have retired like the late Sir Charles Bagot and Mr. Clayton; and, of course, Sir John Dorington has done excellent work with us. But I am not sure that I think it is very essential for the well-being of the Board to continue to have honorary Commissioners unless they are willing to attend when needed.

27149. If you could have persons appointed as honorary members of your Board to attend such Board meetings as were thought desirable, to act purely in an advisory and helping capacity—gentlemen of high official position and administrative experience—to attend once a week, fortnight, or month, or whenever you thought, do you think that would be of advantage to your Board ?—Yes, I do.

27150. Supposing you could have three or four honorary members consisting of such a person as the chief medical inspector of the Local Government Board, a high official, say, from the Home Office, another from the Public Health Department of the Local Government Board, and so forth—another might be the representative of a great administrative lunacy authority, with a nominee perhaps of the London County Council—would persons like that strengthen your Board in any way ?—I suppose they would. I am not quite qualified to give an opinion, because the chief means by which honorary Commissioners have assisted us heretofore has been to make a quorum when we have not had enough.

27151. That is a simple function, is it not ?—That has been, I consider, their principal advantage; but there is the additional advantage of throwing outside light on subjects.

27152. Is that the mere object ?—I do not say it is the mere object; I think I may say it is the principal assistance we have received. I except our first Chairman.

27153. I can understand the necessity for a quorum; I would like your personal opinion, without pressing it too far, as to whether you would advise the adoption, on trial, at any rate, of such a scheme of honorary membership ?—I think, before I could answer that, I should have to know to what extent our own Board would be extended, if at all, because I think one thing is very objectionable, and that is to have too many members at a Board meeting. Lord Shaftesbury himself said before a Select Committee, "It is like a Parliament if you have too many." However

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distinguished the gentlemen might be, if we had four or five coming in every week in addition to our own increased numbers I think that would really probably not assist us very much.

27154. I have suggested, to meet that, that they might be called in to assist when important matters of an advisory character were coming forward?—I think that would be an advantage.

27155. I did not suggest that anyone, whether distinguished or not, should be brought in to help you at your quarterly meetings to renew the licensed houses; even if the Board were kept at its present small numbers, you could do that?—Yes, I mean that at our ordinary meetings I do not think it would be an advantage to have our numbers enlarged to such an extent that we could not discuss matters; that is the only objection; otherwise they would be of great assistance if we could have them when their special advice could help us.

27156. Supposing you were having a dispute with some influential county council as regards providing accommodation or something of that sort, would you have a few additional honorary members summoned when you saw that they would strengthen you?—Certainly I would.

27157. Would you think that such honorary members would perhaps be better in the way of being more influential in the eye of the public than a collection of noblemen and gentlemen, perhaps equally able and distinguished, but not so well known for their capacity in this matter?—I am inclined to think it would.

27158. We have heard from your colleagues that a very important part of your duties and functions is the general weight which your advice carries?—Yes.

27159. Do you agree with your colleagues that you do not wish a great increase in your compulsory powers?—That is so, our powers are more moral than legal.

27160. Depending on your great experience and knowledge?—Yes, I think anything which strengthens the Board would strengthen our powers. That is one of the reasons why I suggested the possibility of the Senior Master being made Chairman.

27161. I think perhaps the addition of such honorary members might help your Board, because it would introduce a class who are not very strongly represented on it now. You have not many members on your Board who have experience of administrative work?—No.

27162. They become experienced on your Board?—Yes.

27163. You have never had a gentleman appointed as Secretary or as Commissioner who was experienced by having occupied a high position in a great administrative department?—No.

27164. Or in a great business?—No.

27165. From that point of view you would agree with that?—Yes, I would. You asked me a question at the beginning of your examination as to whether I would like to see our department extended any further than in the manner we mentioned about the Masters. I should like to mention—a matter on which I am sure my colleagues feel strongly—about the consulting architect. You know our views on that subject.

27166. Yes; you agree with that?—Most strongly, and think it is a most important point.

27167. I presume you agree with the other suggestion, that if such an architect were not found entirely sufficient, you should have sufficient means of getting the advice of drainage and electric light experts?—Yes, that is most important.

27168. You would like both the salaried architect at your disposal, and a reasonable fund out of which you could pay the fees for other assistance?—Yes, as at present.

27169. Do the Lunacy Commissioners visit lunatics "so found," now?—No, except that they meet them in their stride.

27170. Do they elaborately pass them over, then?—No.

27171. As a matter of fact, they do visit them?—All those who are in institutions they visit and talk to, and treat practically just as the other patients.

27172. If you found anything wrong going on, you would report it just as much as in the other case?—Yes; in fact it has actually been done once. In a case I remember we thought a patient was not quite getting the benefit of the money paid for him. Since the last Lord Chancellor's Visitor had visited, the patient had been put in a room which we did not think was quite suitable, and we did bring it to the Visitor's notice, or to the Master's notice.

27173. In what sort of custody was that patient?—In a licensed house.

27174. (*Mr. Greene.*) I daresay you are aware that the plan has been tried already of having a Master attached to the Lunacy Commissioners; I think Master Barlow was?—Yes.

27175. According to the evidence before the Commission of 1879 it was found to be unsuccessful, because he never attended?—But surely, if it were part of his duty and he were paid for being the Chairman of the Lunacy Commissioners, he would attend.

27176. He ought to; you would have to readjust the Masters' duties for that and make it compulsory. Master Barlow was taken on as an unpaid Commissioner but a paid Master, and it led to his not attending at all?—He was simply an honorary Commissioner.

27177. In order to carry out your suggestion, we should have to possibly recast the duties of the Master?—Yes.

27178. In reference to the legal element in the Commission, if recommendations were made for a reconstruction of any sort, have you any opinion as to whether it is desirable to maintain practising barristers of five years' standing as being the persons to appoint as Commissioners?—Yes; perhaps I am prejudiced, but I have a very strong opinion that it is desirable. I think in the majority of cases which come up for consideration at our Board there are many more legal questions than medical.

27179. Apart from any question whether a solicitor might not do just as well?—I do not take that view.

27180. You do not think they would do as well?—No.

27181. You think there are many legal questions?—Yes.

27182. As regards inspection, would it be better to retain the legal element for the Board work and not allow them to go on inspection?—No, I do not think it would. I think the practice of inspection by legal and medical Commissioners has worked admirably, so far as I have been able to tell, and I was Secretary for five years.

27183. As a matter of fact, does the legal Commissioner, when he inspects, simply stand by, or are the patients presented to him individually?—He does exactly what the medical Commissioner does. He sees and speaks to every patient and talks to them; in the great majority of cases in county asylums the demand for the legal Commissioners by the patients is more remarkable than the demand for the medical Commissioners.

27184. Does he write a report on what he has seen?—He writes the report of the asylum afterwards. It is the legal Commissioner who does that for every institution, except the few asylums of the Metropolitan Asylums Board and the State Criminal Asylums.

27185. Would you say he superintended, or assisted, the medical Commissioners?—I should say he and the medical Commissioner did exactly the same.

27186. Is there any rivalry or jealousy on the part of the medical profession as to the proportion which their profession should bear to the legal element in the Commission?—One has heard things and seen things written; beyond that I know nothing about that.

27187. Even the Commissioners themselves wish to increase the proportion of the medical, over that of the legal element?—I think the view of our Board is that if we had an increase of two more Commissioners it would be as well to have two medical men. I cannot say my own personal view is at all strong on that subject, but in view of the opinion of the Board and in view of the opinion generally, I think it might be well to have that.

27188. The Lunacy Commission has been, in its present constitution, the subject of talk and questions in Parliament?—I believe it has. I may say in some of the attacks

which were made upon us it was perfectly obvious that the gentlemen who wrote the letters to the papers were not conversant with the Lunacy Laws. I remember one remark made by a distinguished gentleman—I forget who it was—who said it was a very sad thing that there was no provision in the English law for sending a patient anywhere than to an asylum; they ought to be able to put him under certificate and a reception order in the care of a doctor. Of course there is a provision in the English law, as you are well aware. It shows that some of these attacks are not made by men who know very much about the subject.

27189. Would you tell me of what use the legal element is upon the Commission? Will you tell me whether these words at all represent the facts: "The legal Commissioner and the medical Commissioner hunt in couples, the legal Commissioner knowing nothing more of medicine, or lunacy, or of sound administration, than policeman X. As a matter of fact the legal Commissioner only stood by; patients were not presented individually, but *en masse*; he wrote a report and in fact performed the work of a clerk. He had heard it suggested that he superintended the actions of the medical Commissioners; this, he need hardly say, was a ridiculous assertion; he was useless for inspection purposes, he was an anachronism." Is that anything approaching the fact?—Certainly not.

27190. Would you be surprised to hear that that was put forward in the House of Commons on the 12th May, 1904, as part of a speech of an honourable member representing a University?—I do not know that I should be surprised.

27191. A University where his constituents a e mainly medical graduates?—By whomsoever it was put forward, it is absolutely inaccurate and absurd, in my opinion.

27192. And you do not agree with the further statement by this distinguished medical man, representing medical men, that "as he had said, the legal Commissioner was an absolutely necessary component part of the Commission in the Board room, but he was utterly useless in respect of inspection"?—I think that is absolutely absurd too, and absolutely inaccurate. I think it shows that the gentleman could never have been round in an inspection of an asylum carried out by two of our Commissioners. I think I may also add that if you were to take the opinions of the medical superintendents of this country, they would endorse my words.

27193. Complaint was made on the same occasion against the Lunacy Commissioners that they permitted such great extravagance in the maintenance and erection of buildings under their inspection. Have you any suggestion to make with reference to that, beyond that you should appoint an architect? Would it not be better to limit the inspection by the Lunacy Commissioners of plans and estimates to seeing whether they produced such conditions as the Commissioners thought necessary, rather than going into the detail of the cost and sufficiency of the plans?—I think the view generally, not only of the Commissioners, but—I speak in the presence of Mr. Byrne—I believe also the view of the Home Office at one time was that we were not concerned with cutting down expenditure, that was supposed to be a matter for the local authority. I think of recent years the view has properly obtained that we ought to control expenditure in some way if possible.

27194. One hon. member said, amongst his complaints of the Lunacy Commissioners, that "in a Yorkshire district they had been obliged to provide farm buildings and land in connection with the asylum in one, costing in one case £600; they had erected two greenhouses costing £2,800, and he had noticed a considerable item for canaries and cages and actually three guineas for a bassoon." Could that kind of thing be checked?—It could be, but I do not think it is desirable. If you were to walk through a ward and see it decorated with flowers and other objects calculated to make the patients happy, you would see that the quietness of the patients is due in a great measure to that.

27195. But the question is, the cost to the ratepayers. One complaint made is that the Commissioners were extravagant in their branch, and one medical officer wanted to have the finest asylum in the country; the staff were all provided with the best of everything, and everybody but the ratepayers were considered. Have you the means in the Commission, as now constituted, to check this?—No.

27196. Do not you think, as the ratepayers have to bear the burden, that it would be better if you prescribed such conditions as should be proper in any establishment, and left the Local Government Board, or someone else who had more control of the ratepayers' money, to look after the details?—No, I do not. In view of the things we regard as necessary it would be much more important that we should have an architect whose advice we coul l take. People who are not familiar with asylums and the wants of patients might think—and they have in the past thought—that a greenhouse is an unnecessary extravagance. We d > not think it is, if it is going to render the patient's life much more happy, and possibly render his chance of being cured greater. But the outside man who does not understand the effect of these things on pati nts would sweep the whole out of the programme.

27197. One architect would hardly be sufficient if he had got to look into all the *minutiæ* of appointments?—I think he would.

27198. It has already been suggested that lighting and sanitation would have to be provided for in addition to the architect?—That is so.

27199. Another complaint which was made against the Commissioners was with regard to the system of inspection. "One objection which county councils had was that the same Commissioners did not always go round, the result being that changes were constantly ordered, one man reversing the instructions given by another"?—I should think that is very, very rare. I have never known it to occur. On the contrary, I should say it is the universal practice of our B >ard, when we visit an asylum, to carefully read through the recommendations of the previous year, and one of the first things we do is to satisfy ourselves that those recommendations have been, or are being carried out.

27200. "One man said certain doors must always be left open, another said they must be made so that they would close"?—I can imagine how that would arise. One Commissioner probably recommended that a small fire screen should be erected which should be kept unlocked but closed, and probably his directions were mistaken.

27201. Another illustration of the same complaint of the inefficiency of the present inspection was that in connection with the asylum in his own district, that was in Keighley, Yorkshire, "when it was proposed to provide a fire escape for the patients, one Commissioner said the proper thing was to have a fire shoot through which the patients could be sent to the ground, and another Commissioner said they must have stairs"?—Many years ago I believe the Commissioners used to recommend, or at all events tolerate, fire shoots, but since I have been connected with the Board, during the last ten years, the Commissioners have deprecated the shoot.

27202. It is not a question of whether your recommendation was right, but whether you have made inconsistent recommendations following in rapid succession?—Certainly not; I should say inconsistent recommendations are of the very rarest kind.

27203. (*Dr. Needham.*) Do you know what incident, if any incident, led to the change of policy of the Commissioners in reference to the fire shoots? Do you remember an accident which occurred? Do you remember the accident at the idiot asylum?—Yes, but that was before my time. A man tumbled through and killed himself.

27204. (*Mr. Greene.*) I take it the legal and medical Commissioners differed, because the phrase is, "in connection with the asylum in his own district, when it was proposed to provide a fire escape, one Commissioner said one thing and another Commissioner said another"?—I will undertake to say that, for the last ten vears no Commissioners have differed on that subject.

27205. That is the point; whether they do differ?—No, they do not,

27206. They all agree on everything?—I mean to say this: If I am going round an asylum I may say to my colleague, "This is a large room; do not you think there ought to be another exit there?" He may say, "Do you

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think there ought to be; there are others here," and then perhaps I give way. If that is differing, then we do differ.

27207. Supposing you made your inspection, and the next time a different set came and they differed entirely; does that occur ?—No, certainly not.

27208. They do not do that ?—No.

27209. They do not over-rule each other ?—Certainly not. On the contrary, they back up each other universally.

27210. Another complaint has been made against you; I think it only right to call attention to some of these things, because the public hear of these things, and I want to see whether they are well founded, because it all arose on the question whether an addition should be made to the Commissioners. "Another complaint was that Commissioners sometimes ordered a church to be provided although they had no power to do so." Is that correct ?—They strongly recommend chapels for asylums over and over again.

27211. A church ?—Yes.

27212. They could order a chapel, the gentleman said, and it was said that the appointment of a chaplain of the Church of England should be enforced, and Free Churchmen did not like that ?—We cannot order a chapel to be built any more than a church. We might recommend it. We might enquire how many services there are, under the 187th section. We cannot say a chapel must be built; we have no power to enforce it, at least.

27213. And you have no sanction for your recommendation if it is not done: they have discarded good advice and that is all ?—That is all.

27214. You cannot shut it up or deal with the asylum ?—No, we have to enquire whether Divine Service is performed; it is sometimes performed in a recreation hall: in some institutions it has been done. We can press for the building of a church in connection with an asylum, and frequently do, and some local authorities have objected.

27215. (*Dr. Needham.*) Have the Commissioners pressed continually that the services of all denominations should be held in whatever building it might be, whether it were a chapel or whether it were a church ?—Yes.

27216. (*Mr. Greene.*) Complaints are sometimes made of delay on the part of the Commissioners in responding to applications and submissions; matters upon which their opinion is sought ?—I should say there are very few offices where so many letters are answered by return of post. I may be allowed to quote an observation of the late Mr. Spring Rice, who enquired into the subject. I was then Secretary, and he congratulated me, and he said, "I am extremely surprised at the rapidity with which your letter book shows that the letters are answered."

27217. All the office work is kept up to date and efficiently done ?—Yes.

27218. And the classification is all thoroughly well done ?—Yes, I think so. I do not know that we might not have a little more time. We are rather hard pressed. Some members of my Board think we ought to spend a little more time in inspection of some of the larger asylums.

27219. It has been suggested by some people that the increase of the number of patients under certificates, or who have to be inspected by you, has increased in so many years, and that the number of Commissioners has not increased in a corresponding ratio ?—That is certainly true.

27220. Has it ever occurred to you that the increased means of travelling, and the reduction of some of the outlying places which had in 1845 to be visited, may account to a certain extent, perhaps not wholly, for the present Commissioners being able to inspect a far larger number of lunatics than was possible in 1845 ?—I think that is so, to some extent—increased railway facilities.

27221. If they had in 1845 to go by coach, and spend some hours in getting at a rather out of the way place, they could now get down in a motor in a much shorter time ?—Unfortunately we have not yet had the courage to apply for the use of motors.

27222. I will withdraw motors—you can get down by train ?—Yes, certainly—only to some extent.

27223. Has the aggregation of patients in large institutions tended to make it easier to inspect ?—No, I should say not.

27224. How many patients a day, with satisfaction to your Commission, can you examine, if you do it, not in the way in which in the House of Commons we were told that it is done ?—Do you mean pauper lunatics or private lunatics ?

27225. Take first the paupers ?—We generally take about two days over a big asylum.

27226. How many patients would that be ?—A day and a long half day for a big asylum.

27227. What is the size of a big asylum ?—1,500 to 2,000.

27228. You can get through 800 a day ?—More than that.

27229. Is that conjointly seeing each patient ?—Yes.

27230. If you have an asylum of that size, and are able to do it at one visit, it would be a great saving if you could do it in that way on one occasion instead of having several asylums to visit ?—Yes.

27231. It is easier to examine 800 patients in one spot than it would be to examine 800 patients in eight different spots ?—Easier in one sense, but more fatiguing.

27232. May I take it that we are not to be entirely governed by the increase in the number of confined patients, in saying that the labour of the Commissioners has been proportionately increased ?—It has been very largely increased; I do not know that it has been increased absolutely proportionately. The work required in one of these enormous asylums containing 2,000 patients takes a great deal more out of the person who inspects it than inspecting three or four small institutions, though it may not take actually more time. In addition to the numbers you must also remember as the numbers increase the office work, paper work, and correspondence, increase, deaths increase, subjects of inquiry increase.

27233. That leads me to ask you this, because one of the great legislative authorities to which I have been referring puts this. In 1852 there was reason to believe, although actual statistics were not obtainable, that the number of lunatics in England and Wales was 25,000. Actual statistics were only arrived at in 1859, when 37,000 lunatics were on the register. In 1870 there were 54,000, and in 1903, 114,000. Thus the medical Commissioners have to do four times the amount of work at the present day that they had to perform at the date of the establishment of the Commission, and the inference offered was this: the stagnation, he thought, must appear extraordinary to the House, which he could not help thinking would be anxious to increase the number. I venture to point out to you that the greater facility of examining this number has possibly enabled the Commissioners to do it without any increase in their strength, because you tell me there are no arrears, your office work is quite satisfactory, your inspection is quite satisfactory; well, why increase the number ?—May I mention a fact ? This very year, in October, one of my colleagues was indisposed suddenly, and could not possibly do the work, and had to return to London, and I had to do two large asylums myself, and other houses, eight days' work in all, and if I had not done it, there would have been no other time this year in which that could have been done by him and me, or at all.

27234. I daresay you are aware that there is power to appoint substitutes in the case of illness ?—But we could not have procured a substitute at such short notice.

27235. But a substitute could be sent down a few days afterwards ?—It was a question of hours, not days.

27236. Two substitutes could do it, independently of your presence ?—I could not apply for a second substitute, because I was well and able to do the work.

27237. I want to see a little more clearly than I do at present what case can be made for increasing the number of the Commissioners, whereas we quite see that the work at present to be performed is no greater than could be adequately managed if it were properly arranged ?—I am quite sure that we are working at the very highest pressure at which we can work, and I am quite sure of this, that if one of us gets temporarily ill for a few days it dislocates the work, not only of himself and colleague, but possibly of other people who will have to take his place.

27238. I should like to know your view as to the probability of the Commissioners being able to appoint, or

obtaining power to appoint Assistant Commissioners so that there will be somebody who can fill a spare place, but not having the voice at the Board of a full Commissioner?—We ask for two Commissioners and Assistant Commissioners.

27239. The Assistant Commissioners are only in the event of increased work in regard to the defectives?—Yes, I think we want two more full Commissioners, and any addition to our work after that I think might be properly carried out by Assistant Commissioners, who would be under the control of the Board, but not members of it.

27240. Am I right in saying that in 1859 and 1879, and even since then, when Commissions or Committees have sat, a claim has been put forward or an application has been made, for an addition to the number of Commissioners?—Yes, I think so.

27241. And yet there have been no resignations in consequence of those applications not having been met?—No.

27242. And the work of the office has in no way suffered?—I will not say that. I think the general work of the office is being done at too high a pressure. I think there is a considerable tendency, a great possibility, of our having to do work too quickly. I think it is getting to a point when we can no longer go on doing the work adequately, if any one of us gets temporarily ill.

27243. If in accordance with the suggestion of the Commissioners which I think has been adopted by the passage of a Bill in the House of Lords, the work of the Commissioners is divided so that they can work singly instead of in couples, or—to use the elegant phrase of this legislator—"hunt in couples," each would be able to do twice as much?—No, I do not agree. First of all we do not think that it is very desirable, at present at all events, to do the very big asylums singly, but even if we did, one man would take longer over doing a big asylum than two men would.

27244. Would that be equivalent to the addition of a new Commissioner entirely, or two new Commissioners? Would the greater length of time which a person would occupy in going through one of these asylums be such that still it would be necessary to have two additional Commissioners?—Yes, I think it would, to do the work properly. My colleague, Mr. Shadwell, tells me he has worked it out, and he thinks it would represent the saving of one Commissioner, even if the one Commissioner could do the asylums as quickly as two; a great deal of our work is done singly, like workhouses and single patients.

27245. If that is so, the application for two Commissioners, even under your memorandum, would be unnecessary, because one would be sufficient?—No, I do not think so.

27246. You recommend doing the work singly as part of your scheme?—Yes.

27247. You also recommend two additional Commissioners?—Yes.

27248. If doing the work singly is equivalent to the work of one Commissioner, why have the other?—Because I think we want the other. I think there are many things which suffer. For instance, as a matter of fact I have not been able to have any consultation with my legal colleagues except on a Wednesday, when we are full up, on any subject since I have been Commissioner during the last six years. The same observation applies to the medical Commissioners. We ought to be able to have a certain number of days when we could meet at the office to discuss matters of importance, and we ought to have more days when we could go and make enquiries. Supposing a subject comes up at the Board—take the instance of a patient having died of broken ribs—the Chairman might say, "is this a question where we ought to make an enquiry?"; we cannot get the time to do these things.

27249. (*Mr. Byrne.*) A question like that would, in a Government Department of another type, not require a conference of experts at all, but a simple suggestion by an experienced clerk, and the initials of the head of the department, and the enquiry into the broken ribs would be decided on, not by a conference, but in six minutes at the outside, by experienced officials with power to do it. Why cannot that be done by the Lunacy Commissioners? Why should numbers of people be necessary to discuss whether there should be an enquiry into broken ribs?—I did not say that. I say that, if there is a discussion at our Board and the death is mentioned in the ordinary course of business, and the facts disclosed that there have been broken ribs, then we have not the time to send two of our body down to the asylum to hold an enquiry.

27250. I understood you to say that you had not time to discuss the question?—That is another observation I made, that we ought to have more time to discuss questions of policy.

27251. Other great Departments do not require to meet together to discuss questions of policy; questions of policy are settled on papers, and are laid down in a few minutes. The Home Office has matters in connection with the prisons and the thousands of people we get under our control in prisons, reformatories, and so on, every conceivable matter of administrative difficulty, from a murder down to a minor case of insubordination of an officer. These are dealt with by a junior clerk in the first instance; and if of serious importance they are done by an under-secretary in a quarter of an hour?—You have rather a different staff from ours, and a different class of men.

27252. A very much less paid staff. You have barristers of five years' standing and so on?—Our clerks are not.

27253. Do the Commissioners discuss broken ribs and that sort of thing?—We cannot get these things discussed.

27254. Why should they be discussed? Surely with your experience and reputation you could direct it at once?—I do not think so. I think there are things which constantly want discussing. Take the questions of the rules of the asylums; at the Board we have no time to do anything but refer it to "Mr. Giffard" or some other Commissioner. He has the rules of the asylum; he enters into a lively correspondence with Lancashire, say; they refuse to put in this rule, and they insist on putting in that. He cannot go on unless he has time to discuss that matter with his colleagues.

27255. The Lancashire rules come up at the Home Office for final decision in accordance with your advice and possibly in accordance with every consideration, they are settled and laid before the Secretary of State by a competent clerk, who puts before him all the analogies that could be brought forward, previous cases and so on, and they are settled without discussion, the initials being appended by an under-secretary or by a head of the department?—Yes.

27256. (*Dr. Needham.*) I will put two cases: an old woman sitting in a ward falls out of a chair against the edge of a chair and breaks a rib, she is put to bed and dies from hypostatic pneumonia; another woman is violent and has a struggle with nurses, and she in the struggle, or somehow, sustains a fractured rib and she dies. The two cases are not on all fours?—No.

27257. In the one case it is obvious that no further inquiry is requisite; there is an interest in each case, but it is obvious in the one case that there is no further inquiry necessary. In the case of the injury during the struggle the jury have declared that in their opinion nobody is at fault. The investigation of the coroner does not satisfy the Commissioners that nobody has been in fault, therefore they think it desirable that inquiry should be made, and all the circumstances of that particular case have to be inquired into in order that the Commissioners may judge whether an inquiry by themselves is requisite. Have I put before you a state of things which occurs frequently in these discussions before the Lunacy Commissioners?—Very frequently.

27258. It is because there are discussions of this kind among the Lunacy Commissioners that the differences which have been stated to exist between the Commissioners in the evidence which Mr. Greene has quoted, do not occur, because they do consult, and because they do arrive at a general opinion after consultation?—Yes.

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27259. I only wanted to put that to you, to see whether that presents a true statement of the facts?—Certainly.

27260. (*Mr. Greene.*) Is there any arrangement for the attendance of Commissioners at the Board? You say you have not had the advantage of meeting your legal Commissioners for so long?—Except at the Board.

27261. But the Board meets weekly?—Yes.

27262. How often do you attend the Board; are you on a rota?—Generally we attend when we are at home, not on visitation.

27263. How long are you absent?—I should think four and a half months on circuit roughly; and about six months' attendance at the Board.

27264. Six months meeting each other once a week?—I should think so, but even that has to be qualified; it is not always the same Commissioners who meet.

27265. But any question on which a Commissioner who is absent in the country wishes to have the opinion of the Board, he can submit in writing?—Yes, but I mean that there are plenty of things we want to discuss, without making them Board subjects every week—recommendations made in asylums and small matters upon which one would like to have an opportunity of seeing the others.

27266. Once a week?—Not always once a week. Constantly we have not got a *quorum*.

27267. Then you get plenty of time to talk to the colleague?—Yes, but very often he is a medical colleague; in fact, if the two other medical and the other two legal colleagues are away, he would be. We very often do not have a *quorum*. We try to get one once a month.

27268. Supposing there is no *quorum*, does business go on?—We have to do as much as we can. We cannot seal things, we have to put that off to a *quorum* Board. We can discuss things which require immediate action.

27269. Once a week, at least, two always meet?—I will not say that I have known my colleague, Mr. Urmson, when I was Secretary, to sit in the Chair with no colleague. I remember on one occasion he sat there and I was Secretary and there was no one else, one Commissioner was ill, and the other four were on circuit.

27270. And yet the work has been done perfectly efficiently?—Yes, because we have to postpone it for a *quorum*; I say it is done as efficiently as we can do it at present, but the work is increasing very rapidly.

27271. I am only trying to get informed; everything has been done well, you have given an answer to everyone of the complaints which were made in the House of Commons in 1904, and which appear from your point of view to be inaccurate and unfounded, so that there is no ground of complaint, and the Commission has been effective, although one gentleman may be in the Chair and no others present?—I do not quite say that; I say one of our reasons for wishing for more help is that we should have more Board meetings and not be reduced to this position, and we should have greater powers of consultation and greater power of going to hold inquiries where necessary.

27272. You are very fortunate to have only baseless complaints made against you?—Those complaints which you read out were, in my opinion, absurd and unfounded, but I do not say it would not be true to say that we are so far pressed that we cannot very often do the work on Wednesdays because we have not a *quorum*; that is the truth.

27273. Would it be possible to have two days in the week, or are you bound to be visiting when you are not at the Board?—We could not possibly find the days.

27274. I wonder whether it is possible for anybody outside the office, who is not accustomed to its tradition, some ruthless reformer, to come in and see things from a different point of view?—We would give him a hearty welcome, I am sure.

27275. You spoke about a Chairman. At present you have no permanent Chairman?—We have a permanent Chairman, but he is an honorary Commissioner. We have no paid Commissioner as Chairman.

27276. You suggested whether a Master in Lunacy might not be made Chairman. Would you increase his salary?—I do not think it is necessary.

27277. He has £2,000 a year now?—Yes, I think he could do the work of the Chairman of an amalgamated Lunacy Board. I do not know enough about his work, but I think probably he would be able to give us Wednesday and preside over our meetings without any addition of salary. There are plenty of gentleman of high standing and high position who could do it.

27278. Would you see any objection to putting Commissioners and Masters under an age limit for retirement?—I certainly see great objection to it; I do not see any reason for it. I think we should have lost the services of some very valuable men if it had been so.

27279. We have the same rule with reference to Masters in Court; an ordinary Master sitting on the Chancery side has to retire at sixty-five, but his brother, who comes in on Saturday for the lunacy, does not have to?—I think a wrong impression was conveyed to you by mistake in the evidence which was given the other day on the subject of county court judges. I think you were told that county court judges had to retire at a certain age. That is not so.

27280. They are not bound to, but by agreement a good many put themselves under obligation so to do?—I think that is so.

27281. Yes, but the Masters in Lunacy do not?—No, nor do the county court judges, subject to what you state. Of course you are aware that the county court judges hold during good behaviour, as we have always contended that we do.

27282. But you do so by Statute; it is in the words of the Act of 1845?—Yes, and the words "shall continue to be Commissioners" have always been held to convey that. The county court judges, if they have reason for retiring, from ill-health or other good cause, are allowed to retire on two-thirds of their salary.

27283. That is not an age limit?—No; I only mention that question in connection with this subject because it has always occurred to us that it is a great hardship that a Commissioner like the late Sir Charles Bagot, who works twenty-five years and does yeoman service, should be made to retire on the ordinary Civil Service limit with the ten added years, instead of being able to do what the county court judges do—to retire on two-thirds if he is obliged to retire through ill-health or other good cause.

27284. Is the two-thirds a statutory fixture or is it only a matter of practice that the Lord Chancellor recommends the Treasury?—It is the latter, but we are for that purpose under a Treasury minute which gives us so many sixtieths and ten added years; we have thought it a great hardship that a man like Sir Charles Bagot should retire with £700 or £800 after twenty years' service.

27285. I might mention Official Referees who have no pension at all; they are not as well off as the county court judges?—We should be perfectly content to be put on the same footing as county court judges. It is rather an important item to remember; taking the average age of the Commissioner, who is appointed at about fifty years.

27286. Might I ask what the average age is when he goes?—I am afraid I am not able to tell you; I do not think it has been worked out.* If he had to retire at the age of sixty-five, it would be very hard upon a man, who possibly, as very many medical men have done, gave up good appointments to

* The witness subsequently sent in the following memorandum:—

"Thirteen of the Commissioners in Lunacy have vacated their office by resignation; the age of two of these is not known. The average age on retirement of the remaining eleven is sixty-two; of these eleven six retired prematurely, one to take a professorship at Cambridge, one became incapacitated by injuries received in a street accident, and four on account of failing health, to which they succumbed in less than three years on the average. The average age of the other five was seventy-two. Of the nine Commissioners who vacated their office by death one died at seventy-five, one at seventy-three, and one at seventy-one."

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take the Commissionership, to have to retire at the age of sixty-five years upon what is really an inadequate pension.

27287. You would argue that, if the average age at commencement is fifty, they should be allowed to go on indefinitely ?—Yes, I do. I do not know whether you invite my observations on this subject.

27288. We should like them ?—It does not so much affect me personally because I was a younger man when I was appointed. I do think that in the case of some of the older Commissioners and some of the medical Commissioners who have been superintendents, and who are appointed rather later in life, it would be a very great hardship, in the event of their having to retire at sixty-five for ill-health or something or another, that they should have to do so on a few hundreds a year, after they had given up a certainty of a good pension, as I know has been the case in several instances.

27289. From the public point of view does it not rather point to their being ill advised to give up a good thing to take this ?—It also shows that it is bad for the public, because the tendency is not to get the best men. It has been the case that a few men have been willing to make that sacrifice. Perhaps they have got tired of their work; but it certainly is worth consideration, whether a man is to give up his chance of a pension, and take a post at fifty, with a chance of retiring if he breaks down at sixty-five or sixty-six with an inadequate pension.

27290. (*Dr. Dunlop.*) Is it not the fact that they get ten years' additional to compensate for taking the duti s late in life ?—That is quite true, but when you add that, you will find that it does not add very much. If a man is appointed at fifty and breaks down at sixty-five, that is fifteen years, and you give him ten years, that is twenty-five; twenty-five sixtieths is a poor pension.

27291. (*Mr. Greene.*) You see the desirability of having a fixed working Chairman and not a figure head ?—There is no doubt about it whatever.

27292. At present you are like a factory without a foreman—you want someone in control ?—Yes.

27293. Would you make him *primus inter pares*—he would have no authority ?—Simply his casting vote.

27294. But he would be expected to initiate policy ?—And to be at the office during the week, so as to make himself a master of the topics to be discussed.

27295. Would you give him authority to allot circuits to the Commissioners ?—No, all that would be settled by the Board.

27296. He would have the purely moral weight which gentlemen of this sort would command ?—Yes.

27297. Is there any practical reason why we should continue the system of having inquisitions at all ? Why should not certification, or a continued certification, be quite sufficient to put the person in the *status* that he now occupies as a lunatic "so found" ?—No, I do not agree to that; I think inquisitions are very useful.

27298. I am not putting it forward as my view ?—I do not agree. I think inquisitions serve a very useful purpose; I think there are many patients, and the families of many patients, who are quite determined to have it decided before a jury whether a person is or is not insane. If you will look at Section 98 you will see that there is a most useful sub-section which enables a Master to find in certain cases that a man is not able to manage his own affairs, but is able to manage himself. That is a most useful provision; there is no provision analagous to that in the ordinary lunatic sections. There is sub-section (*d*) of Section 116 in which the Master makes an Order about property, that is all.

27299. We have had some evidence that inquisitions are diminishing in number ?—I believe that is so.

27300. And that those held before juries are becoming exceedingly rare—two in a year is the last return ?—I believe very few.

27301. (*Mr. Byrne.*) There are not many families who are anxious for this system, then ?—No, but it is useful to preserve the power to hold inquisitions.

27302. (*Mr. Greene.*) And with the exception of cases which are on the border line, and where the family may desire to contest, in all cases the Master sitting alone without a jury can decide ?—Yes.

27303. The Master simply sits in a room and hears two medical witnesses as a rule ?—I do not know about that; he satisfies himself.

27304. Very rarely, even without a jury, are the cases at all contested ?—That is so.

27305. Is not he in the same position, when he is sitting to hear two doctors, as a Commissioner would be who has had two certificates and two medical advisers ?—Yes.

27306. So that in the end it comes to the same thing; your Commissioner allows a person to be detained because he and one or two other medical men have found that the person was insane and he is not "so found," whereas going through the form in a room, and having two doctors to prove it to another gentleman, puts him in Chancery. Is there any essential reason why that in its present form should be maintained ?—Except for the reason which I gave you, that the Master can find that the man cannot look after his property, and *can* look after himself——

27307. Would not that be rather a reason for increasing the power of the Commissioners than for maintaining an expensive distinction which involves the maintenance of a Chancery establishment ?—Perhaps I do not know enough about that to give an opinion. I should have thought that if you were going to keep Masters for the purpose of looking after their property generally, it would be just as well to retain this power; it does not seem to have been very often used.

27308-9. I was going to ask you whether there was any real reason why the Masters in Lunacy should be continued at all, and why the Commission, if they had got a land agent or two, or a person of that sort, under their control, could not, in one of their departments, manage the property as well ?—I should be sorry to see that. I think it would involve much greater labour than we have now. I do not believe a land agent under the direction of the Board would look after the property of lunatics properly.

27310. You do not have anything to do with the Masters ?—Very little to do with them, except that they send us notices of all inquisitions and cases under the 116th Section.

27311. You do not visit them ?—No.

27312. (*Dr. Donkin.*) I think you told Mr. Greene that in visiting large asylums the legal and the medical Visitors conjointly saw patients ?—Yes.

27313. Is that so in all the visits ?—What happens generally is this: we go into the ward; one of the Commissioners walks round carefully and talks to all the patients, while the other Commissioner examines the dormitories, which may or may not be on that floor, and the lavatories and things of that sort. When he has finished that he goes back to the ward, walks about among the patients, and joins his colleague, and they go on to another ward.

27314. When two go together some of the patients are interviewed by one Commissioner and others by another ?—Yes, and very often a great many by both.

27315. In a good many instances by one only ?—Yes.

27316. On the visits which are paid separately to workhouses and other places of detention, it is immaterial whether it is by a legal member or a medical ?—Yes.

27317. They are treated as co-equal ?—Yes.

27318. The function of a visit is equally well discharged by a lawyer or a doctor; that is the view ?—Yes.

27319. Therefore it would follow, would it not, that for visitorial purposes only, no special knowledge of medicine, or special medicine, or general or special law is required; I mean for the general visitation duties, if they can be equally well done, and are done, alternately ?—I do not suppose in the case of a workhouse it makes much difference. There is no occasion generally to know anything about medicine. You have gone to see whether the few old people are comfortably looked after, their beds, means of escape from fire, and so on, and you enquire into the dietary, and how many times they bathe. In the large asylums it may be that questions very often do arise where medical knowledge is very important, as I said before—in the case of bodily disease or anything of that sort; not for the detection of insanity, but of bodily disease, and as to things which may be necessary for the infirm.